IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

C O R A M

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

C.M.A.No.2453 of 2010

R.Venkat (Minor) rep.by his
mother and Natural Guardian
Nagalakshmi
No.18/24, Shanthi Street
Vadapalani
Chennai 600 024. ... Appellant

-Vs.-

1. Naresh A.Raswana

[Remained exparte before the
Tribunal]

2. National Insurance Co.Ltd.
No.751, Anna Salai
Chennai 600 002. ... Respondents

Civil Miscellaneous Appeal against the judgment and decree dated 19.02.2010 passed by the learned IV Judge, Small Causes Court [Motor Accident Claims Tribunal], Chennai in MACTOP No.1916 of 2006.

For Appellant ... Mr.N.M.Muthurajan

For Respondents ... Mr.C.R.Krishnamoorthy for R2

J U D G M E N T

The minor claimant is the appellant. He moved the Motor Accident Claims Tribunal, Chennai in M.C.O.P.No.1916 of 2006 claiming a compensation in a sum of Rs.5,00,000/- for the grievous injury sustained by him in a road accident that took place on 22.10.2005. The Tribunal awarded only a sum of Rs.64,000/-, which is under challenge in this appeal seeking enhancement of the compensation.

2. Learned counsel appearing for the minor appellant/claimant would submit that he is a school student studying in IX standard at the time of the accident; further because of the grievous injury sustained by him, he has lost one year of his studies; he has also taken treatment for several days in the hospital. However, the Tribunal has awarded only a meagre compensation and therefore, he would pray for enhancement of the same.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

3. Learned Counsel appearing for the respondent/Insurance Company would submit that the Court below after taking into consideration the entire medical records and also the documents produced on the side of the minor claimant awarded a fair and reasonable amount as compensation, warranting no interference in this appeal.

4. Heard both sides and perused the records.

5. There is no dispute regarding the factum of accident and the injury sustained by the minor claimant. Further on a careful perusal of the judgment passed by the Court below, it is seen that the minor claimant has suffered facial abrasions with left maxillary fracture. However, since the 35% percentage permanent disability given by the Doctor, was not seriously questioned in the cross examination, the Tribunal has awarded only a sum of Rs.36,000/- towards the same. Even if a sum of Rs.3,000/- is awarded per percentage of disability, it will come to Rs.1,05,000/-. Accordingly, I would like to enhance the same and fix at Rs.1,00,000/-.

6. With the above parameters, if we analyse the compensation awarded by the Tribunal, the same is very meagre considering the age of the minor claimant, who was only 14 years of age at that point of time. It is also seen that the Tribunal has awarded only a sum of Rs.2,000/- towards transport charges; Rs.3,000/- towards extra nourishment and Rs.10,000/- each towards medical expenses and pain and suffering, totalling to Rs.64,000/-.

7. Though the Court below has awarded compensation under various heads, the same is very meagre considering the age of the claimant. Accordingly, considering the nature of injury sustained by the minor appellant/claimant, this Court is inclined to modify the compensation under various heads as follows:

S.No.	Heads	Amount awarded by the Tribunal	Enhanced compensation now awarded	Total
1	Permanent Disability	Rs.36,000/-	Rs.64,000/-	Rs.1,00,000/-
2	Pain and suffering	Rs.10,000/-	--	Rs. 10,000/-
3	Extra Nourishment	Rs. 3,000/-	Rs. 7,000/-	Rs. 10,000/-
4	Transport charges	Rs. 2,000/-	Rs. 3,000/-	Rs. 5,000/-
5	Attender charges	Rs. 3,000/-	--	Rs. 3,000/-

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

S.No.	Heads	Amount awarded by the Tribunal	Enhanced compensation now awarded	Total
6	Medical Expenses	Rs.10,000/-	--	Rs. 10,000/-
			Total	Rs.1,38,000/-

8. Accordingly, the second respondent/Insurance Company is directed to deposit the entire compensation amount of Rs.1,38,000/- [Rupees one lakh and thirty eight thousand only] to the credit of MCOP No.1916 of 2006 on the file of the learned IV Judge, Court of Small Causes, [Motor Accident Claims Tribunal], Chennai within a period of six weeks from the date of receipt of a copy of this order along with an interest at the rate of 7.5% from the date of petition. It is needless to state that on such deposit being made, the appellant/claimant is entitled to withdraw the entire compensation amount along with interest on making out a proper application before the court below.

9. Learned counsel for the appellant/claimant would submit that at the time of accident during the year 2005, the appellant was aged 14 years and now he has become major. Hence, the appellant/claimant is directed to file appropriate petition before the Tribunal to declare him as major and on such application being filed, he is entitled to withdraw the entire compensation amount awarded.

10. With the above observation, this Civil Miscellaneous Appeal is allowed. No costs.

Vj2

Sd/-
Assistant Registrar (C.C.C.)

/True Copy/

Sub-Assistant Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

The IV Judge, Small Causes Court
[Motor Accident Claims Tribunal]
Chennai.

+1 C.C. To MR.C.R.Krishnamoorthy, Advocate in SR.NO.54983

+1 C.C. To MR.N.M.Muthurajan, Advocate in SR.NO.55014

Copy to :

The Section Officer,
V.R.Section, High Court,
Madras

C.M.A No.2453 of 2010

Lrs(CO)
sd : 29/12/2015

HIGH COURT OF JUDICATURE MADRAS
सत्यमेव जयते
WEB COPY

https://hcservices.ecourts.gov.in/hcservices/