



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2016

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CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

CMA (MD) No.1569 of 2013

and

M.P (MD) No.3 of 2013

M/s.Oriental Insurance Company Limited,
F-4, Visitors Road,
Block-2,
Neyveli.

... Appellant/2nd Respondent

vs.

1) Minor.Jegadeesh,
S/o.Palanichamy

... 1st Respondent/Petitioner

2) S.Sekar
[R2 Given-up]

... 2nd Respondent/1st Respondent

Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment and decree dated 10.10.2012 made in MCOP.No.366 of 2008 on the file of the Motor Accident Claims Tribunal cum Sub Court, Tiruchirapalli.

For Appellant : Mr.C.Jawahar Ravindran

For R1 : Mr.C.Deepak

JUDGMENT

It is the case of injury caused on account of the accident took place on 30.07.2006 around 05.30 p.m on Trichy-Ariyalur main road near Vellanoor Grave Yard. The injured claimant filed an application seeking compensation before the Motor Accident Claims Tribunal cum Sub Court, Trichy, and the Tribunal considering the facts and the circumstances of the case, awarded Rs.44,000/-, as total compensation with interest at 7.5% per annum. The appellant insurance company preferred this appeal, challenging the quantum of compensation as excessive, on the ground that the injury sustained by the claimant is very simple in nature, for which, the Tribunal ought not to have awarded Rs.44,000/-.



2.It is pertinent to note that the person injured was 8 years of age at the time of accident and further, he was studying in III Standard in Child Jesus Matriculation School, Pullambadi. Therefore, this Court is not inclined to interfere with the impugned award passed by the Tribunal and accordingly, the impugned award is confirmed.

3.The appellant insurance company is directed to deposit the entire award amount with proportionate accrued interest and costs, to the credit of the claim petition, within a period of four weeks from the date of receipt of a copy of this judgment, if not deposited already. Since the injured is minor, the share of the 1st respondent/minor claimant shall be deposited in a Nationalised Bank in Fixed Deposit till he attains majority and on attaining majority, it is for him to approach the Tribunal for withdrawal of the award amount. Till then, the father and guardian of the minor claimant is permitted to withdraw the interest accruing on the Fixed Deposit once in three months for the welfare of the minor.

In the result, this Civil Miscellaneous Appeal is dismissed. No costs. Consequently, M.P(MD)No.3 of 2013 is closed.

Sd/

Deputy Registrar(Admin.)

/TRUE COPY/

Sub Assistant Registrar(C.S)

To

The Sub Judge cum Motor Accident Claims Tribunal, Trichy.

Copy to:

The Record Keeper, VR Section,
Madurai Bench of Madras High Court, Madurai.

CMA(MD)No.1569 of 2013
28.11.2016

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