

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

C.M.A.No.413 of 2017
and C.M.P.No.2865 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram Division III) Ltd.,
Kancheepuram.
(Formally known as MGR Transport
Corporation, Kancheepuram) ... Appellant / 1st Respondent

versus

1. Minor Arivazhagi ... 1st respondent /
petitioner
(Minor is represented
by her father & Guardian N.Chankkarai)
2. Vadivel ... 2nd respondent/2nd
respondent

Prayer : This Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and decree dated 19.07.2001 made in M.C.O.P.No.71 of 1995 on the file of the Motor Accident Claims Tribunal (Sub Judge), Kancheepuram.

For Appellant : Mr.G.Muniratnam

JUDGMENT

Minor Arivazhagi, represented by her father Chakkarai, aged about 10 years, a student, stated to be earning a sum of Rs.500/- p.m., met with an accident that took place on 16.11.1994 and suffered grievous injuries and in respect of the same, claiming compensation of Rs.50,000/-. The father of the minor, as guardian filed a claim petition in M.C.O.P.No.71 of 1995 on the file of the Motor Accident Claims Tribunal (Sub Judge), Kancheepuram.

2. As against the claim made, the Tribunal has awarded a sum of Rs.30,000/- as compensation to the minor claimant.

3. Challenging the quantum of compensation as disproportionate to the injuries suffered by the minor, the Transport Corporation has filed this appeal.

4. The learned counsel appearing for the appellant Transport Corporation would submit that the award of Rs.20,000/- towards medical treatment is unreasonable, when it is not supported by bill.

5. Whether this contention is acceptable or not, is the issue to be considered.

5.1. The minor suffered injuries on head, face, hip and all over the body. According to P.W.1, treatment was given for six months and the minor was not able to go to the school and on account of this, a sum of Rs.20,000/- has been awarded by the Tribunal.

5.2. In the wound certificate, the Doctor has notified the injury as simple. The doctor has assessed the disability at 20% under Ex.P3. The tribunal did not accept the disability certificate, but has considered other consequences of the injury. Without giving any break-up details, the total compensation has been awarded at Rs.30,000/-. When the petitioner is stated to be the minor, when she has taken treatment for six months, the medical expenses alone had been roughly at Rs.10,000/-. When the treatment is for six months, pain and sufferings, transport expenses, extra nourishment would have been more and therefore, the award of compensation at Rs.30,000/- cannot be said to be unreasonable.

6. Hence, the Civil Miscellaneous Appeal is dismissed, confirming the award dated 19.07.2001 passed in M.C.O.P.No.71 of 1995 by the Motor Accident Claims Tribunal (Sub Judge), Kancheepuram.

7. The Transport Corporation shall deposit the entire amount of compensation along with interest at the rate of 9% p.a. from the date of petition till the date of deposit, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this Judgment. The minor claimant would have attained majority as on date. Hence, the Tribunal shall permit the claimant to withdraw the award amount on producing the necessary documents. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

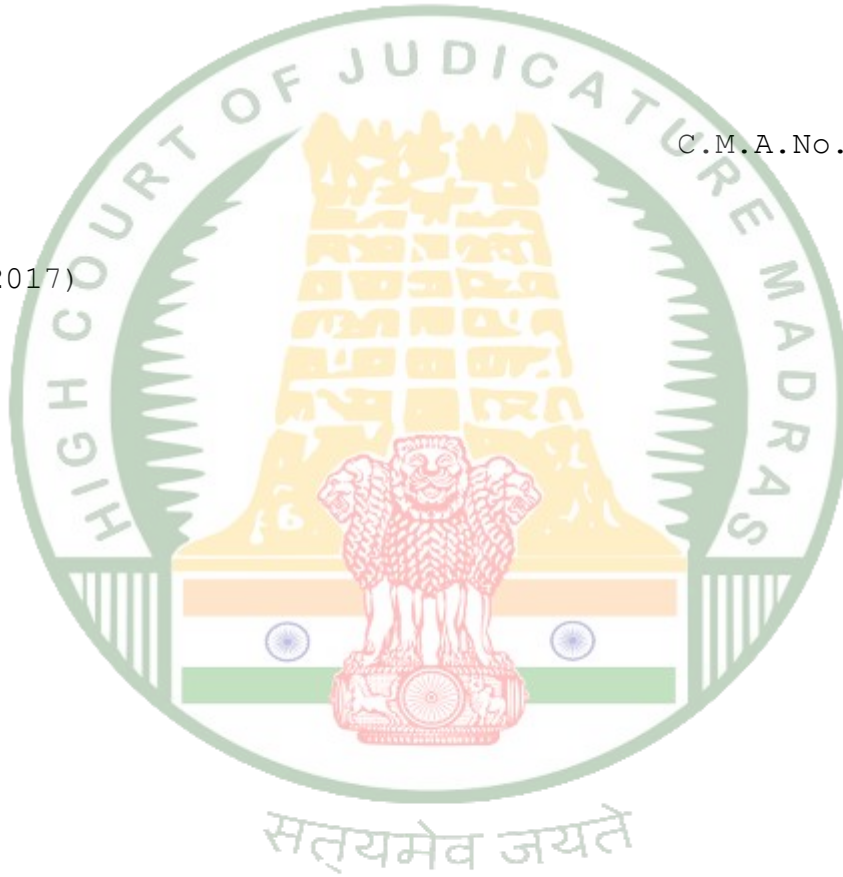
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To

1. The Motor Accident Claims Tribunal
(Sub Judge),
Kancheepuram.
2. The Section Officer,
V.R.section,
High Court, Madras.

C.M.A.No.413 of 2017

SKV(CO)
RS(28/06/2017)



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