



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.M.A. (MD) No.118 of 2016

The Branch Manager,  
Reliance General Insurance Company Limited,  
80, Feet Road, Anna Nagar,  
Madurai.

... Appellant/2<sup>nd</sup> Respondent

Vs.

1.Minor Mardhupandi

(Represented through its natural guardian  
and his father Elangovan)

...1st Respondent/Petitioner

2.S.Venkatesan

... 2<sup>nd</sup> Respondent/Respondent

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, to set aside the judgment and decree dated 04.09.2014 made in M.C.O.P.No.993 of 2008, on the file of the Motor Accident Claims Tribunal, IInd Additional Subordinate Judge, Madurai.

For Appellant

: Mr.K.Gokul

For Respondents

: Mr.J.Gunaseelan Muthiah

### JUDGMENT

Heard the learned counsel on either side.

2.The Insurance company has filed this appeal principally on the ground of quantum. The claimant is a minor boy. He met with an accident involving the vehicle belonging to the second respondent herein and insured with the appellant company. In the accident, the claimant had lost three toes on his right leg. This had been specifically spoken by the doctor who was examined as PW4. In this regard, Ex.P6, Ex.P10 and Ex.P11 were also marked. The Tribunal has awarded a sum of Rs.42,000/- towards disability and a sum of Rs.50,000/- towards pain and suffering. The Tribunal has awarded a sum of Rs.1,38,000/- to the claimant. It cannot be said to be excessive. I find no merit in this appeal.

3. The award dated dated 04.09.2014 made in M.C.O.P.No.993 of 2008, on the file of the Motor Accident Claims Tribunal, IInd Additional Subordinate Judge, Madurai is confirmed.



4.The appellant is directed to deposit the entire compensation amount of Rs.1,38,000/- with interest at the rate of 7.5% per annum with costs, from the date of petition till the date of realization, within a period of eight weeks from the date of receipt of a copy of this order, less the amount already deposited, if any. The share of the minor claimant/first respondent is directed shall deposit in any of the Nationalised Bank till attained majority. The natural guardian/his father is permitted to withdraw the interest once in three months directly from the Bank

5.This Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

The IInd Additional Subordinate Judge,  
The Motor Accident Claims Tribunal,  
Madurai.

Copy to:-

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

+One cc to Mr.K.Gokul, Advocate, SR.No.87543

+One cc to Mr.J.Gunaseelan Muthiah, Advocate, SR.No.87127

tsg

RL/6C/2P/MR/SAR1/11/1/2018

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