



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.M.A. (MD) No.303 of 2017

Minor.L.Roobiya
represented by her mother and
next friend L.Jothi

... Appellant / Petitioner

Vs.

1.T.Kumar Evera

2.The Divisional Manager,
National Insurance Company Ltd.,
No.4A, North Veli Street,
Madurai - 1.

... Respondents / Respondents

(The 1st respondent set exparte before the Trial Court. Hence notice is dispensed with and he is given up).

Prayer: Appeal filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 08.01.2016 in M.C.O.P.No.839 of 2015 on the file of the Motor Accident Claims Tribunal [Special Sub Judge for M.C.O.P. cases], Madurai.

For Appellant : Mr.K.Kumaravel
For R-1 : Exparte vide in EB
For R-2 : Mr.D.Rajkumar

J U D G M E N T

Heard the learned counsel on either side.

2. The claimant is a minor child. In the accident in question, she suffered loss of three toes in her right leg. The appellant had been an in-patient in the Government Hospital for 47 days. The appellant has to wear special shoes even for walking. The appellant is a girl child. Therefore, the marital prospects will certainly be affected. The Tribunal awarded a sum of Rs.3,68,000/- . Contending that this has to be enhanced further, the claimant has filed this appeal.



3. This Court is of the view that the compensation payable to the claimant can be re-worked as under:

Sl.No	Heads	Amount in Rupees
1.	Disability compensation	Rs. 1,62,000/-
2.	Loss of matromonial status	Rs. 1,00,000/-
3.	Medical expenditure	Rs. 50,000/-
4.	Extra nourishment	Rs. 10,000/-
5.	Transportation	Rs. 10,000/-
6.	Attender charges	Rs. 50,000/-
7.	Pain and suffering	Rs. 50,000/-
8.	Loss of amenities	Rs. 1,00,000/-
9.	Damages to dress	Rs. 1,000/-
10.	For purchase of special shoes	Rs. 25,000/-
	Total	Rs. 5,58,000/-

4. Therefore, the compensation payable to the claimant is enhanced from Rs.3,68,000/- to Rs.5,58,000/-. The award dated 08.01.2016 in M.C.O.P.No.839 of 2015 on the file of the Motor Accident Claims Tribunal [Special Sub Judge for M.C.O.P. cases], Madurai is modified accordingly. In all other aspects, the award of the Tribunal is confirmed.

4.The second respondent insurance company is directed to deposit the entire compensation amount of Rs.5,58,000/- (Rupees Five lakhs Fifty Eight Thousand only) with interest at the rate of 7.5% per annum and 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 entire compensation amount shall be deposited in any one of the nationalised bank as directed by the Tribunal. On such deposit, the mother of the claimant L.Jothi is permitted to withdraw the interest once in three months directly from the bank, till the minor attains majority.

5. Accordingly, the Civil Miscellaneous Petition is partly allowed. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/



To

The Motor Accident Claims Tribunal
[Special Sub Judge for M.C.O.P. cases],
Madurai.

Copy to

The Section Officer, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1. C.C. to Mr.K.KUMARAVEL, Advocate SR.No.89819.

C.M.A. (MD) No.303 of 2017
28.11.2017

PK/CM/SAR-1/21.06.2018/3P/5C