

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2018

CORAM : THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CRP.(NPD) No.1485 of 2018

Minor. Suffiyan  
Rep. by his mother and natural guardian Shanaz ... Petitioner

Vs.

1.C.Rajagopal  
2.M/s.Cholamandalam MS General  
Insurance Company Ltd.,  
II Floor, Dare House, No.2  
NSC Bose Road  
Chennai – 600 001. ... Respondents

**Prayer:** Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 26.03.2018 rejecting the petition made in I.A.No.241 of 2018 in MCOP.No.214 of 2017 on the file of the II Additional District and Sessions Judge, Ranipet, Vellore District.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.N.Vijayaraghavan [ R2]

**ORDER**

The petitioner herein has come forward with the revision petition challenging an order passed by the Motor Accident Claims Tribunal [II Additional District Court, Vellore at Ranipet] in I.A.No.241 of 2018 in

MCOP.No.214 of 2017.

1.2. The petitioner as minor had suffered injuries in a road accident case and had preferred a petition claiming compensation. The matter was later referred to Lok Adalat, where an award for Rs.3,85,000/- was passed. The said sum was directed to be deposited in a Nationalised Bank, till the claimant attained majority. Subsequently, the minor had filed the present application in I.A.No.241 of 2018 for withdrawing the amount of Rs.1,50,000/- towards medical expenses already incurred and also to be incurred in future.

1.3. In the affidavit sworn by the next friend of the minor namely, the mother of the minor, it is alleged that Rs.1,09,309/- has been actually incurred for medical expenses and the rest is required for future medical expenses. This was rejected by the Tribunal on the ground that inasmuch as the compensation amount was decided in the Lok Adalat, no apportionment could be done.

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2. The learned counsel for the petitioner submitted that since the matter was resolved before the Lok Adalat, the petitioner did not have enough opportunity to produce all the relevant materials to prove the actual medical expenses incurred. He also added that even the counsel for the

Insurance company did not object to this.

3. Mr.N.Vijayaraghavan, learned counsel took notice for the second respondent and he did not object.

4. The approach of the Tribunal could not be entirely faulted, but still has to be said that in a case of an injury to a minor boy, the expenses definitely would have been incurred towards his medical expenses. Payment towards medical expenses, strict senso would not amount to compensating the loss, but reimbursing the actuals already expended. This Court, therefore accepts the statement of the mother made in her affidavit that Rs.1,09,309/- has been expended and including any medical expenses required for future treatment, the petitioner is permitted to withdraw Rs.1,25,000/- only. This petition is allowed accordingly No costs.

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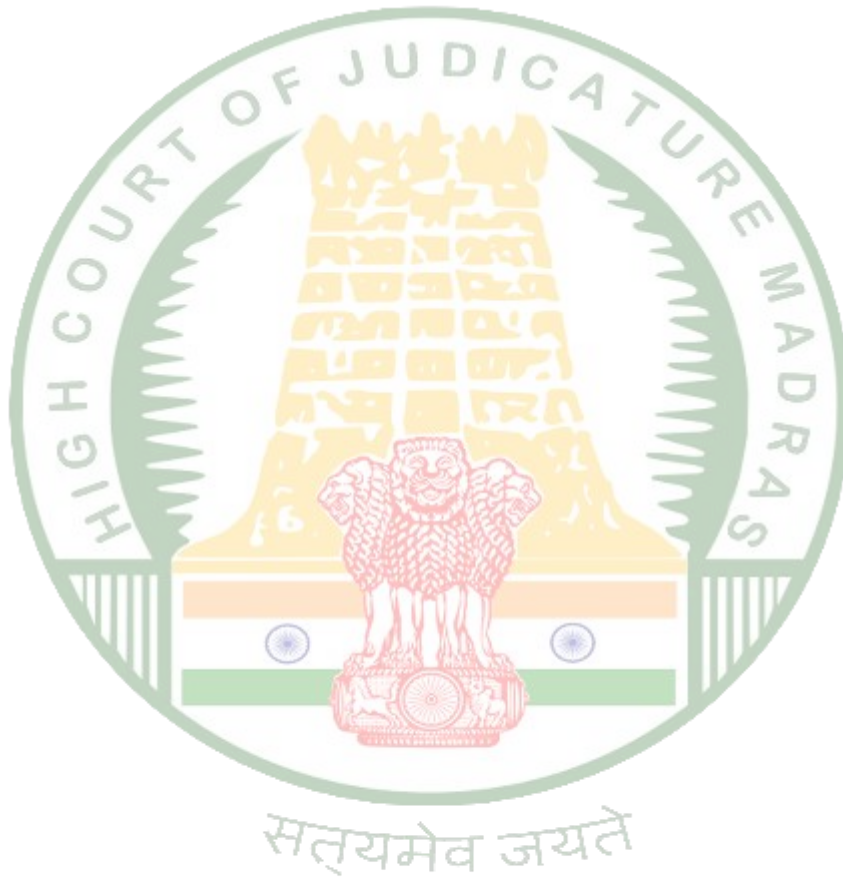
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Index : Yes / No  
Speaking order / Non-Speaking Order

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The II Additional District and Sessions Judge

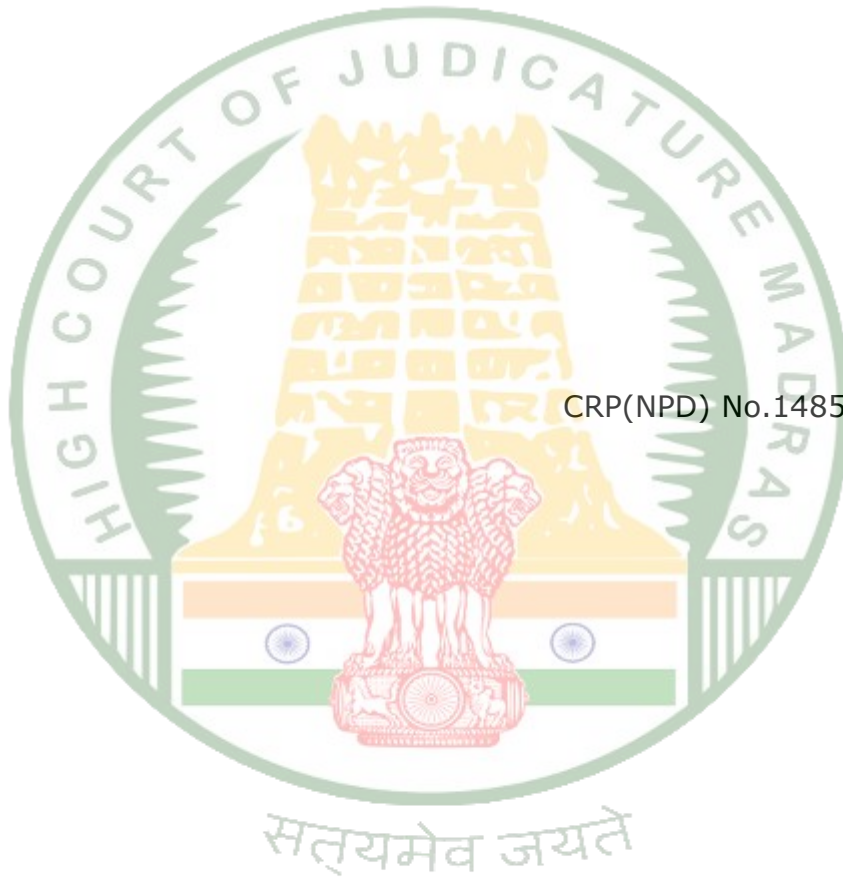
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N.SESHASAYEE, J.,

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