

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2094 of 2007

D.Naveen Kumar (Minor)

Rep by his Father & next friend

C.Dhanasekaran

Appellant / Petitioner

Vs

1. M.Nagarajan

2. United India Insurance Company Ltd

No.38, Anna Salai

Chennai - 2.

Respondents / Respondents

Prayer: Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 05.02.2003 made in MCOP No.1158 of 2000 on the file of the Motor Accidents Claims Tribunal/Additional District Judge, Fast Track Court No.V), Chennai.

For Appellant : Mr.Varadha Kamaraj for
M/s.S.A.Subas Singh Nayagam

For 2nd Respondent : Mr.S.Arun Kumar

J U D G M E N T

This Civil Miscellaneous Appeal has been preferred by the appellant/claimant against the award passed in MCOP No.1158 of 2000.

2. The appellant herein had filed a claim petition before the Tribunal claiming a sum of Rs.2,00,000/- as compensation for the injuries sustained by him in a Motor Vehicle accident. It is the case of the appellant herein that while he was walking on C.B.Road, the 1st respondent drove the Auto Rickshaw bearing Reg.No.TN 09 F 2082, in a rash and negligent manner and hit the appellant herein, due to which the appellant sustained grievous injuries. The Tribunal based on the witnesses account and on the documents produced by the appellant herein, has awarded a sum of Rs.63,000/- as total compensation under the following break up details.

S.No	Head	Compensation (in.Rs.)
1.	Medical Expenses	1,000.00
2.	Transportation Expenses	1,000.00
3.	Extra Nourishment	1,000.00
4.	Loss of future earnings on account of permanent disability	50,000.00
5.	Pain and sufferings	10,000.00
Total		63,000.00

3. Heard both sides.

4. Upon deliberations, the learned counsel for both sides agreed to settle this matter for a sum of Rs.1,25,000/- over and above of what is awarded by the Tribunal.

5. On merits also, it is born out from records that the appellant herein was a minor aged about 6, at the time of accident. Due to the accident, he suffered the following injuries: (i)Laceration in nose, lip and chin and (ii)Abrasion and multiple injuries all over the body. There is also evidence and documents to prove the said injuries. Hence, this Court is of the view that a sum of Rs.1,25,000/- over and above of what was awarded by the Tribunal, would be the just and fair compensation payable to the appellant herein.

6. In the result, this Civil Miscellaneous Appeal is partly allowed by enhancing the quantum of compensation from Rs.63,000/- to Rs.1,88,000/-, which is payable with interest at the rate of 7.5% by the 2nd respondent herein. No costs. The 2nd respondent / Insurance Company shall deposit the enhanced compensation amount, along with interest and costs, less the amount already deposited, if any, within a period of four weeks, from the date of receipt of a copy of this judgment. It is needless to state that the appellant shall pay the necessary court fee for the enhanced compensation amount before receiving the copy of this judgment. It is stated by the learned counsel for the appellant that the claimant was minor at the time of accident and he attained majority as of now and hence, the Tribunal shall transfer the amount lying in the deposit to his Savings Bank Account through RTGS, on making proper application.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

To

1. The Motor Accident Claims Tribunal/ Additional District Court,

Fast Track Court No.V), Chennai

2. The Section Officer

V.R.Section

Madras High Court

Chennai 104

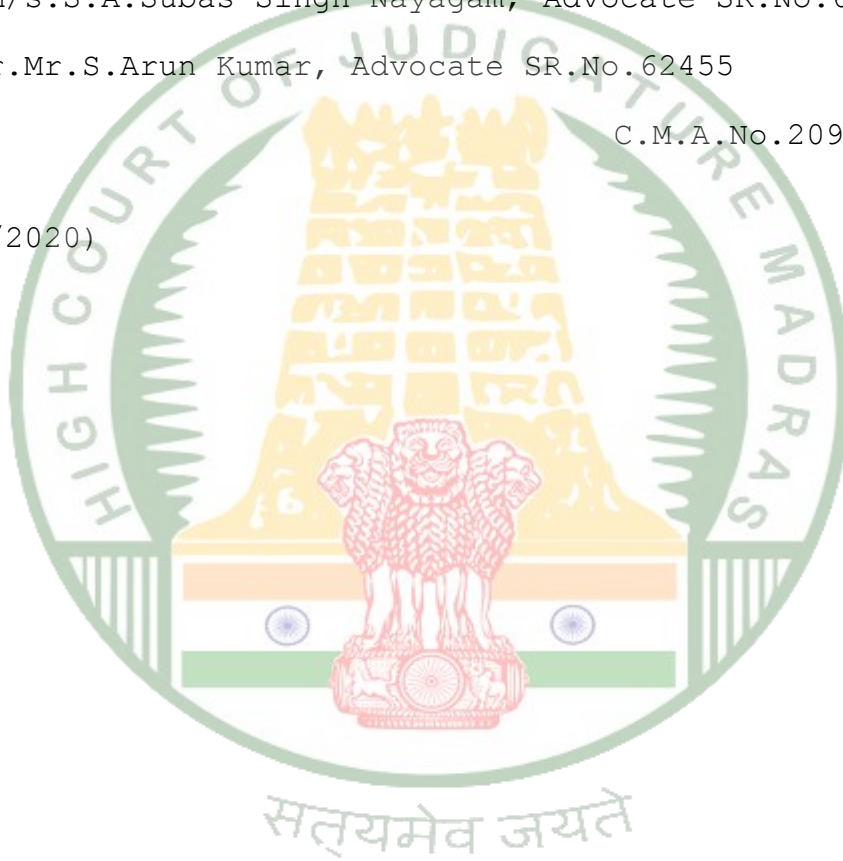
+1cc to M/s.S.A.Subas Singh Nayagam, Advocate SR.No.61839

+1cc to Mr.Mr.S.Arun Kumar, Advocate SR.No.62455

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GP (CO)

GMV (12/06/2020)



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