

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.M.A.No.3890 of 2005
and
C.M.P.No.1052 of 2008

Minor Raguvaran
Rep. by his father and natural
Guardian Rajendhran, Appellant/Petitioner

Vs

1.T.Subramanian

2.National Insurance Company Limited,
Rep. by its Branch Manager,
2/7, Pudukkottai Road,
Tiruchi 620 020. Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor
Vehicles Act, 1988, against the Judgment and Decree of the Motor
Accident Claims Tribunal / Sub Court, Tiruvarur, made in
M.C.O.P.No.80 of 2003, dated 15.02.2005.

For Appellant : Mr.D.Lakshmipathy

For Respondents: Mr.S.Vadivel (for R2)

सत्यमेव जयते

JUDGMENT

This Court by order dated 07.02.2019 directing the
petitioner guardian to produce the minor Raguvaran before this
Court. Accordingly, the minor Raguvaran was produce in my
Chamber and both the learned counsels were appeared.

2.The appeal filed by the claimant for enhancement of
compensation, originally the appellant/claimant has filed the
claim petition for Rs.10,00,000/-, since it is the case of the
injury, the Tribunal was awarded a sum of Rs.1,15,000/- with
interest at the rate of 7.5% p.a.

3.Unsatisfied with the award passed by the Tribunal, the appellant/claimant has filed this appeal by restricting his claim at the rate of Rs.4,00,000/- and seeking for compensation.

4.Today, I heard the arguments of both sides and also verified the minor Raghuvaran in person, who appeared in a wheel chair. It is reported by the natural guardian of the father Rajendhran and the minor's mother that right from the date of accident the minor Raghuvaran is unable to walk and he is sitting only in the wheel chair and they spent more money for his treatment.

5.Admittedly, there is no dispute about the accident by both the appellant and the respondent Insurance Company. On personal verification of the minor Raghuvaran in the presence of both the appellant and the respondent counsels, by physical verification and gone into the entire medical records, this Court come to a conclusion that it is a fit case to enhance the amount of Rs.3,00,000/- in addition to the original award amount of Rs.1,15,000/- with interest at the rate of 7.5% per annum.

6.Considering the nature of injury caused in the accident and arguments advanced by both sides, I am inclined to allow this appeal by enhancing Rs.3,00,000/-, in addition to the original award amount of Rs.1,15,000/-.

7.In the result, the Civil Miscellaneous Appeal is allowed and the award amount is enhanced from Rs.1,15,000/- to Rs.4,15,000/- with interest at the rate of 7.5% p.a. The second respondent / Insurance Company is directed to deposit the entire enhancement amount with interest at the rate of 7.5% per annum from the date of petition till the date of deposit within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the entire amount along with accrued interest. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

To

1.The Motor Accident Claims Tribunal /
Sub Court, Tiruvarur.

2.The Section Officer,
VR Section, High Court,
Madras.

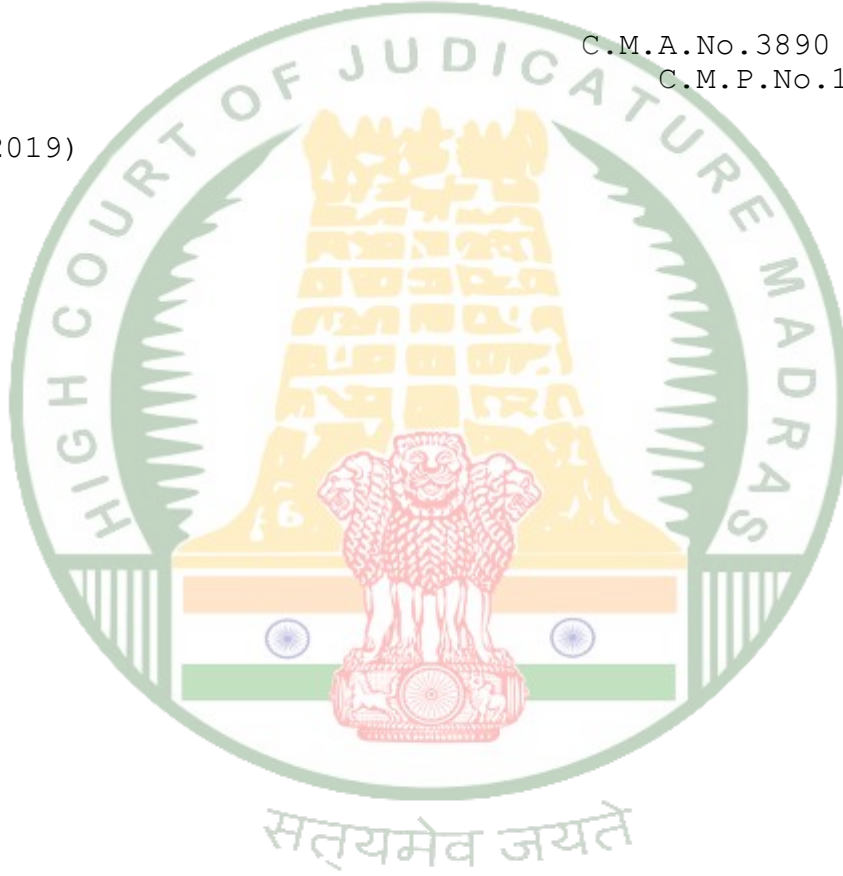
+lcc to Mr.S.Vadivel, Advocate, S.R.No. 14956

+lcc to Mr.D.Lakshmipathy, Advocate, S.R.No. 15403

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GMR(CO)
GN(07/03/2019)



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