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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.2470 of 2017

Subathra (minor) ...Appellant / Petitioner
(Represented by her father Suresh)

Vs.

1.Saravanan

2.Reliance General Insurance Co. Ltd.,
Rasi Towers, 2nd Floor, 2nd Avenue,
Plot No.2504, Anna Nagar,
Chennai - 40.

...Respondents / Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the judgment and decree dated 09.11.2016 made in M.C.O.P.No.5529 of 2013 on the file of Motor Accident Claims Tribunal, IV Small Causes Court, Chennai.

For Appellant	:	Mr.K.Varadha Kamaraj
For R2	:	Mr.S.Arunkumar
For R1	:	Person Not Found Exparte before Tribunal

J U D G M E N T

The Civil Miscellaneous Appeal is filed for enhancement of compensation granted by the Tribunal in the award dated 09.11.2016 made in M.C.O.P.No.5529 of 2013 on the file of Motor Accident Claims Tribunal, IV Small Causes Court, Chennai.

2.The appellant is claimant in M.C.O.P.No.5529 of 2013 on the file of Motor Accident Claims Tribunal, IV Small Causes Court, Chennai. She filed the said claim petition claiming a sum



3.The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred due to rash and negligent driving by the driver of the lorry belonging to the 1st respondent and directed the 2nd respondent/Insurance Company to pay a sum of Rs.2,27,300/- as compensation to the appellant.

5. The learned counsel appearing for the appellant contended that the appellant was minor aged 13 years at the time of the accident. In the accident, the appellant sustained PIRA right, loss of muscle in both gluteal region and amputation of 2nd toe right leg and multiple injuries all over the body. The Tribunal has not awarded any amount towards loss of earning power and grievous injuries. The amounts awarded by the Tribunal under different heads are meagre and prayed for enhancement of compensation.

7. Heard the learned counsel appearing for the appellant as well as 2nd respondent/Insurance Company and perused all the materials available on record.

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disability. Considering the injuries sustained by the appellant, the Tribunal accepted the disability assessed by PW2/Doctor. The Tribunal has awarded a sum of Rs.1,35,000/- (45% x 3,000) as compensation towards disability at the rate of Rs.3,000/- per percentage of disability, which is proper. The amounts awarded by the Tribunal towards pain & suffering, extra nourishment, attendant charges, future medical expenses, loss of amenities and loss of education are meagre and this Court awards a sum of Rs.75,000/- Rs.30,000/-, Rs.60,000/-, Rs.15,000/-, Rs.50,000/- and Rs.50,000/- respectively. The amounts awarded by the Tribunal under other heads are hereby confirmed. Thus, the compensation granted by the Tribunal is modified as follows:

S. No	Description	Amount awarded by Tribunal (Rs)	Amount awarded by this Court (Rs)	Award confirmed or enhanced or granted
1.	Disability	1,35,000	1,35,000	Confirmed
2.	Pain and sufferings	45,000	75,000	Enhanced
3.	Extra nourishment	4,500	30,000	Enhanced
4.	Transport to Hospital	4,500	4,500	Confirmed
5.	Damages to cloth	500	500	Confirmed
6.	Attendant charges	12,800	60,000	Enhanced
7.	Medical expenses	10,000	10,000	Confirmed
8.	Future medical expenses	5,000	15,000	Enhanced
9.	Loss of amenities	5,000	50,000	Enhanced
10.	Loss of education	5,000	50,000	Enhanced
	Total	Rs.2,27,300/-	Rs.4,30,000/-	Enhanced by Rs.2,02,700/-

9.In the result, this Civil Miscellaneous Appeal is partly allowed and the compensation awarded by the Tribunal at Rs.2,27,300/- is hereby enhanced to Rs.4,30,000/- together with



interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellant/claimant is directed to pay necessary Court fee, if any, on the enhanced compensation. The 2nd respondent/Insurance Company is directed to deposit the enhanced award amount now determined by this Court along with interest and costs, less the amount already deposited if any, within a period of six weeks from the date of receipt of a copy of this judgment. The appellant, being a minor, the award amount is directed to be deposited in any of the Nationalized Bank, till the minor appellant attains majority. The father of the minor appellant is permitted to withdraw the accrued interest, once in three months for the welfare of the minor. No costs.

Sd/-
Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

mtl

To

The Motor Accidents Claims Tribunal,
The IV-Judge Small Causes Court,
Chennai.

Copy to

The Section Officer,
V.R Section,
High Court, Madras.

+1cc to Mr.K.Varadhakamaraj, Advocate SR.No.1473

+1cc to Mr.S.Arunkumar, Advocate SR.No.2304

C.M.A.No.2470 of 2017

NRJK(CO)
RVM(14/09/2021)