



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

C.M.A. (MD) No. 411 of 2020

Minor Kannan

S/o Karthick

(Minor petitioner represented through his mother and natural guardian Tmt.Murugeswari) ... Appellant/Petitioner

vs.

1.The Secretary,
TVL Kamarajar Nursery and Primary School,
1/1242, Vivekanandar Street,
Pandiyan Nagar,
Virudhunagar Taluk & District.

2.The Divisional Manager,
National Insurance Company,
Tenkasi Road,
Rajapalayam 626 117.

...Respondents/Respondents

PRAYER: This Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act , 1988 to set aside the Judgment and decree dated 30.06.2020 passed in M.C.O.P.No. 165 of 2017 on the file of the Motor Accidents Claims Tribunal, Additional District Judge (Full Additional Charge), Virudhunagar.

For Appellant : Mr.G.Prabhu Rajadurai

For R2 : Mr.S.Srinivasa Raghavan

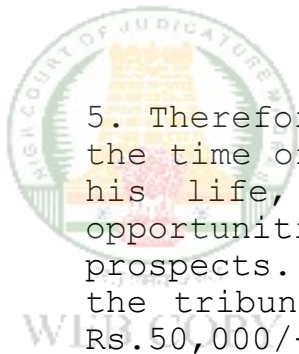
J U D G M E N T

A young boy aged about two years whose leg has been amputated partly below his right knee in a road accident is the appellant herein.

2. The tribunal has determined the compensation at Rs.10,84,000/-.. Following the authority of the Hon'ble Supreme Court in **Master Mallikarjum Vs. Divisional Manager, National Insurance Co. Ltd, and another** in [2013(2) TNMAC 338 (SC)], seeking enhancement of compensation of only Rs.5 lakhs, the young boy has knocked the doors of this Court.

3. Heard both sides.

4. The learned counsel for the claimant showed a photograph of the boy with loosing the part of his leg. It is not about the earning capacity of the child that has lost his childhood. Who knows the child could have emerged as a sports man to bring honour to this country.



5. Therefore, given that fact, the child that is barely two years at the time of accident, he has to carry his disability for the rest of his life, which implies that when he grows up his employment opportunities will also be restricted and so also is his matrimonial prospects. This Court finds that this apart, on some other heads, the tribunal has been bid miserly in awarding compensation such as Rs.50,000/- for loss of amenities, Rs.25,000/- for attendant charges, and a sum of Rs.1,57,000/- for future medical expenses. Including some other heads, the tribunal has totally awarded a Rs.10,84,000/-.

6. This Court considers the additional claim of Rs.5 lakhs without any specific heads would be fair enough and therefore, this Court agrees to award the additional claim of Rs.5 lakhs.

7. The compensation awarded by the Tribunal is enhanced from Rs.10,84,000/- to Rs.15,84,000/-. This Court is informed that the compensation amount has already been deposited by the offending Vehicle/second respondent. The second respondent is now required to give Rs.5 lakhs ordered by this Court within a period of eight weeks from the date of receipt of a copy of this judgment. Since the appellant is a minor, the Tribunal shall deposit the entire award amount in a Fixed Deposit in any one of the Nationalized Banks, which shall be renewed periodically till he attains majority. The mother of the minor appellant is permitted to withdraw 50% of the interest amount once in three months from the Bank directly.

8. In conclusion, this appeal is allowed. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Cm/ta

To

The Motor Accidents Claims Tribunal,
Additional District Judge
(Full Additional Charge), Virudhunagar.

Copy to

The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai(2 copies)
+1 CC to Mr.G.PRABHU RAJADURAI, Advocate SR.No. 25209

C.M.A. (MD) No. 411 of 2020

10.12.2020

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