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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.396 of 2016

and

CMP No.2996 of 2016

The United India Insurance Company Ltd.,
Chander Plaza,
1st Floor,
Arcot Road,
Saligramam,
Chennai - 600 093.

...Appellant/2nd Respondent

Versus

1. N.Alaghu Vigneshwaran (Minor)

..1st Respondent/Petitioner

2. R. Kumaravel

..2nd Respondent/1st Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to prefer this Memorandum of Civil Miscellaneous Appeal against the award and decree dated 23.12.2014 made in M.C.O.P. No.216 of 2012 on the file of Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai.

For Appellant	:	Mr.A.Dhiraviyanathan
For Respondents	:	Mr.Amar D. Pandiya
		for Mr.S.Ravikumar for R1
		R2 - No such person

JUDGMENT

This appeal has been filed by the Insurance Company challenging the award dated 23.12.2014 passed by the Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai in MCOP No.216 of 2012.

2. The appellant / Insurance Company has challenged the impugned award only on the ground that the quantum of compensation awarded by the Tribunal is excessive.

3. The Tribunal under the impugned award directed the appellant / Insurance Company to pay a compensation of Rs.3,00,000/- together with interest and costs for the injuries



4. Heard Mr.A.Dhiraviyanathan, learned counsel for the appellant / Insurance Company and Mr.Amar D. Pandiya, learned counsel for the 1st respondent / claimant. Notice sent to the second respondent has been returned with the endorsement "no such person". Since this Court is going to confirm the award of the Tribunal, the notice to the second respondent is dispensed with.

6. The first respondent / claimant sustained the following injuries

7. The Doctor (PW2) who has examined the first respondent / claimant has assessed the disability of the first respondent / claimant at 35%. But however, the Tribunal has reduced the same to 30%. The Tribunal after giving due consideration to the nature of injuries sustained by the first respondent / first claimant and by applying the ratio laid down by the Hon'ble Supreme Court for assessment of compensation in case of Minor in the case of Mallikarjun versus Divisional Manager, National Insurance Company Limited and another reported in 2014 14 SCC 396 has fixed the compensation payable to the first respondent / claimant a minor at the time of the accident at Rs.3,00,000/-.

<https://hcservices.ecourts.gov.in/hcservices/>



9. The Appellant / Insurance Company is directed to deposit the entire award amount awarded by the Tribunal together with interest at 7.5% p.a. from the date of claim petition till the date of realization, less the amount, if any, already deposited to the credit of M.C.O.P. No.216 of 2012 on the file of Motor Accidents Claims Tribunal (VI Court of Small Causes), Chennai, within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal is directed to deposit the award amount in Fixed Deposit in any one of the Nationalized Banks, till the first respondent / minor claimant attains the age of majority and the interest accrued thereon shall be withdrawn by the guardian of the minor claimant once in three months, directly from the Bank. If the first respondent / minor claimant attained the age of majority, it is open to him to file formal petition before the Tribunal to get the award amount.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

vsi2

To

1. The VI Judge,
Motor Accidents Claims Tribunal,
VI Court of Small Causes, Chennai.

2. The Section Officer,
V.R. Section, High Court of Madras,
Chennai - 104.

+1 CC to Mr.S.Ravikumar, Advocate sr 26144

+1 CC to Mr.A.Dhiraviyanathan, Advocate sr 26144.

C.M.A.No.396 of 2016

NK(CO)
SP(22/11/2021)