



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.03.2022

CORAM

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THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

C.M.A. No.1376 of 2021
and CMP.No.7052 of 2021

The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram. ...Appellant/1st Respondent

Vs.

1. Minor Anushka
Rep. by her father and guardian Anbazhagan
...1st Respondent/ Petitioner
2. Thangaraj
...2nd Respondent/2nd Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, against the judgment and decree dated 21.01.2020 passed in MCOP.No.214 of 2019 on the file of the Motor Accidents Claims Tribunal, Special Sub Court-II (FAC), Villupuram MCOP No.187 of 2014 in Principal Sub Court,Villupuram.

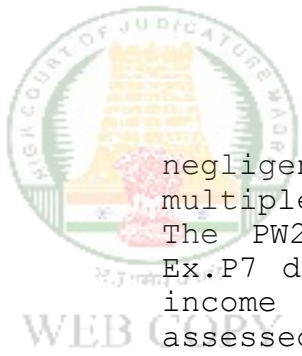
For appellant	: Mr.K.J.Sivakumar
For respondents	
for R1	: Mr.D.Kumaralingam
for R2	: No Appearance

J U D G M E N T

[Judgment of the Court was delivered by K.KALYANASUNDARAM, J]

This appeal has been filed questioning the award passed by the Motor Accidents Claims Tribunal, Special Sub Court-II, Villupuram in MCOP.No.214 of 2019.

2. The claim petition was filed by a minor female 3 year old child represented by her father seeking compensation of Rs.15,00,000/-. According to the claimant, when she was standing in Triukovilur Earikarai Bus Stop Shelter on 19.01.2013, the Bus belonging to the Transport Corporation bearing Registration No.TN-32-N-2640 came in a rash and



negligent manner and hit against her. Thereby, she sustained multiple fractures, eventually, her left leg was amputated. The PW2 Doctor, assessed her disability as 70% and issued Ex.P7 disability certificate. The Tribunal by fixing notional income at Rs.8,000/- and adding 40% for future prospects assessed the Loss of Earning Capacity.

3. The learned counsel appearing for the appellant/Transport Corporation contended that the notional income fixed by the Tribunal is on the higher side and the amounts awarded under other heads are also excessive.

4. Per contra, the learned counsel appearing for the claimant would argue that admittedly, the claimant minor girl was 3 years old at the time of the accident and her left leg was amputated, hence, through out her entire life she has to suffer with one leg. It is also stated that the marriage prospects has been seriously affected and she needs the help of an attender permanently. Therefore, the award cannot be said to be on the higher side.

5. We have heard the learned counsels appearing on either side and perused the materials available on record.

6. In the case on hand, the claimant has proved the fact that she suffered amputation at the age of 3 years. The medical records of JIPMER Hospital and the Government Hospital, Thirukovilur and the evidence of PW2, clearly show the disability suffered by the claimant. On proper appreciation of evidence, the Tribunal passed an award under the following heads;

S.No.	Heads under which amounts are awarded by the Tribunal	Amounts in Rs.
1.	Loss of Future Income	12,09,600
2.	Pain and Sufferings	3,00,000
3.	Loss of Marital Life and Loss of Amenities	3,00,000
4.	Loss of Life Expectancy	3,00,000
5.	Attender charges	19,500
6.	Future Attender charges	4,08,000
7.	For fixing artificial leg	2,50,000
8.	Nutrition charges	30,000
9.	Transportation charges	20,000
	Total	28,37,100
		rounded off to Rs.28,38,000/-



7. Considering the facts of the case, we are unable to agree with the submissions of the learned counsel for the appellant and we are of the opinion that there is no merit in the appeal. The appeal fails and the same is dismissed. The award of the Tribunal is confirmed. The Transport Corporation is directed to deposit the award amount with accrued 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, to the credit of the claim petition. The guardian/father is permitted to withdraw the interest accrued on the award from the date of petition till the deposit. The Tribunal shall deposit the award amount in any Fixed Deposit Scheme in any one of the Nationalised Banks and it shall be renewed periodically till she attains majority and the interest accrued thereon shall be withdrawn by the guardian/father once in three months. There shall be no order as to costs in this appeal. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

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Sub Assistant Registrar

pvs

To

1. The Special Sub Court-II(FAC),
Motor Accidents Claims Tribunal, Villupuram

2.The Principal Sub Court,Villupuram.

Copy to:

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

+1 cc to Mr.K.J.Sivakumar, Advocate Sr.NO.21865

+1 cc to Mr.D.Kumaralingam, Advocate Sr.NO. 22553

C.M.A. No.1376 of 2021

AJB(CO)

A.SK(19/05/2022)