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CMA.No.2237 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

Civil Miscellaneous Appeal No.2237 of 2014

Minor Hari @ Harikumar
S/o.Govindasamy
minor represented by his
next friend and mother
Meenakshi W/o.Govindasamy

... Petitioner/Appellant

-Vs-

The Managing Director,
Tamil Nadu Transport Corporation Ltd.,
Bharathipuram, Dharmapuri - 5

... Respondent/Respondent

Prayer : Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 to set aside the judgment and decree dated 15.06.2011 made in M.C.O.P.No.912 of 2006 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Krishnagiri.

For Appellant : Mr.P.Dineshkumar

For Respondent : No appearance



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JUDGMENT

This Civil Miscellaneous Appeal arises against the judgment of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Krishnagiri, passed in M.C.O.P.No.912 of 2006 on 15.06.2011.

2. The claimant has filed this appeal seeking enhancement of compensation.

3. It is a case of the appellant/claimant that on 23.08.2002 at about 6.40 p.m., when the petitioner was talking with his father on the left side of the road in Krishnagiri to Hosur Main Road in front of SenthilKumar Saw Mill, the driver of the Corporation bus bearing Reg.No.T.N.29/N/1191 belonging to the respondent drove the said bus in a rash, reckless and negligent manner without sounding horn and without observing the rules of the road and at an uncontrollable speed, came from Hosur side and dashed against the petitioner, who was standing on the left side of the road. Due to the impact, the petitioner fell down sustained grievous injuries. Hence, the petitioner has filed a petition before the Tribunal claiming a sum of Rs.4,00,000/- from the respondent together with interests and costs for the injuries sustained by him.



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4. Before the Tribunal, on behalf of the claimant, the claimant's mother and a doctor were examined and the four exhibits were marked.

On behalf of the respondent, driver of the bus was examined as R.W.1.

5. On appreciation of the materials before it, the Tribunal awarded compensation as follows:

(a) Compensation for Disability	:	Rs. 60,000/-
(b) Pain and Suffering	:	Rs. 15,000/-
(c) Transportation, Extra Nourishment and Attender charges	:	Rs. 5,000/-

		Rs. 80,000/-

The said sum was directed to be paid by the respondent along with interest at 7.5% per annum from the date of petition till the date of deposit of the award amount.

6. Learned counsel for the appellant/claimant submits that the Tribunal erred in granting only a sum of Rs.15,000/- towards pain and suffering and Rs.5,000/- towards Transportation, Extra Nourishment and Attender charges, which is on the lower side.



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7. I have heard the learned counsel appearing for the appellant/claimant and have perused the records.

8. Considering the injuries sustained by the appellant/claimant, I am of the view that the compensation of Rs.15,000/- towards pain and suffering and Rs.5,000/- towards Transportation, extra nourishment and attender charges needs to be enhanced and the same is enhanced to Rs.20,000/- under each head. The award in respect of other heads is hereby confirmed.

9. In the light of the said discussions, I deem it fit to modify the award of the Tribunal as follows:

<i>S.No.</i>	<i>Particulars</i>	<i>Award of Tribunal</i>	<i>Enhanced amount</i>	
1.	Compensation of Disability	Rs. 60,000/-	Rs. 60,000/-	Confirmed
2.	Pain and Suffering	Rs. 15,000/-	Rs. 20,000/-	Enhanced
3.	Transportation, Extra Nourishment and Attender charges	Rs. 5,000/-	Rs. 20,000/-	Enhanced
		Rs. 80,000/-	Rs. 1,00,000/-	



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10. Accordingly, the amount awarded by the Tribunal is enhanced from Rs.80,000/- to Rs.1,00,000/- together with interest at 7.5% per annum from the date of petition till date of deposit as compensation.

11. The respondent/ Transport Corporation is directed to deposit the entire amount i.e., Rs.1,00,000/-, less the amount already paid, if any together with interest at 7.5% per annum from the date of petition till date of deposit and costs to the credit of MCOP.No.912 of 2006 on the file of the Motor Vehicle Accident Claims Tribunal, Chief Judicial Magistrate, Krishnagiri within a period of six(6) weeks from the date of receipt of a copy of this order.

12. The appellant/claimant is entitled to withdraw the entire amount on such deposit by the respondent.

Accordingly, this Civil Miscellaneous Appeal is partly allowed.

No costs.

17.03.2023

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A.A.NAKKIRAN, J.

mp

To

The Motor Vehicle Accident Claims Tribunal/
Chief Judicial Magistrate,
Krishnagiri.

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