



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1398 of 2023
and CMP No.13991 of 2023

Suresh Kumar

..Appellant

.VS.

1.Minor Siddik
S/o.Chand Basha
Rep. by his Next Friend Mother Faritha

2.Moorthi

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, against the judgment dated 29.09.2022 in MCOP No.51 of 2018 on the file of Special Subordinate Judge, Motor Accident Claims Tribunal, Tirupathur.

For Appellant : Mr.R.Rajarajan

For Respondents : Mr.E.Kannadasan for R1

JUDGMENT

This civil miscellaneous appeal has been filed by the owner of the vehicle challenging the quantum of compensation fixed by the Tribunal in MCOP No.51 of 2018 on the file of the Motor Accident Claims Tribunal, Tirupathur by Award dated



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2.The 1st respondent/claimant was playing along with his friends on 15.05.2017 at about 16.30 hours near a petrol bunk and that point of time, the 2nd respondent had reversed the JCB vehicle in a rash and negligent manner and as a result, it ran over the leg of the claimant resulting in four fingers in the toe getting chopped. The disability was assessed at 40%. That apart, the claimant underwent treatment as an inpatient for five days and underwent operation. It is under these circumstances, the claim petition has been filed before the Tribunal seeking for compensation.

3.The Tribunal on considering the facts and circumstances of the case and after appreciating the oral and documentary evidence came to a conclusion that the accident had taken place only due to the rash and negligent reversing of the JCB vehicle by the 2nd respondent. After rendered such a finding, the Tribunal proceeded to fixed the total compensation at Rs.3,15,000/- in the following manner:

Compensation awarded under the head	Amount (in Rs.)
40% Permanent Disability	200,000
Pain and Sufferings	40,000
Attender Charges	10,000
Nutrition and Loss of Articles	10,000
Transportation Charges	6,000
Loss of amenities	25,000
Medical Expenses	24,000
Total	3,15,000





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9. In the considered view of this Court, the Tribunal had carefully considered the evidence and has come to the correct conclusion that the accident had taken place only due to the rash and negligent reversing of the JCB vehicle by the 2nd respondent. The compensation fixed by the Tribunal also is very reasonable. Considering the nature of injuries sustained by the claimant, the same does not require the interference of this Court.

10. In the light of the above discussion, there is no ground to interfere with the Award passed by the Tribunal. There shall be a direction to the appellant to deposit the compensation amount fixed by the Tribunal along with interest at the rate of 7.5% per annum from the date of filing of the petition till the date of realization, within a period of six weeks from the date of receipt of copy of this order.

11. In the result, this civil miscellaneous appeal is dismissed with the above direction. No Costs. Consequently, connected miscellaneous petition is closed.

10.04.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr



To
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The Special Subordinate Judge,
Motor Accident Claims Tribunal, Tirupathur.



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N. ANAND VENKATESH., J

SSR

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