



Civil Miscellaneous Appeal No.699 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.699 of 2024

Minor G.Evangline

... Appellant

Vs.

Andhra Pradesh State Transport Corporation
Rep.by its Regional Manager, Office at
Bus Station, APSRTC New Bus Stand
Chittoor, Andhra Pradesh.

... Respondent

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree in M.C.O.P.No.104 of 2017 dated 16.11.2022 on the file of Motor Accident Claims Tribunal, Chief Judicial Magistrate, Vellore.

For Appellant : Mr.C.Prabakaran

For Respondent : Ms.G.V.Shilpa

J U D G M E N T

The appellant/claimant, not being satisfied with the quantum of compensation awarded by the Tribunal, had filed this appeal against the award passed in M.C.O.P.No.104 of 2017, dated 16.11.2022.

2. The case of the claimant who is a minor aged about 6 years was that she was travelling in the bus belonging to the respondent Corporation on



28.04.2015. At about 4.00 pm, the bus that was driven by the driver belonging to the respondent Corporation driven in a rash and negligent manner dashed against the bus belonging to the TNSTC which was coming in the opposite direction. The petitioner sustained injuries in the head and in the chest. The claimant underwent treatment as an in-patient in the General Hospital, Vellore for nearly six days. An FIR was registered in Crime No.384 of 2015 against the driver belonging to the respondent corporation. It is under these circumstances, the appellant/claimant filed the claim petition before the Tribunal seeking for compensation.

3. The Tribunal, on considering the facts and circumstances of the case and on appreciation of evidence, came to a conclusion that that the accident had taken place due to the rash and negligent driving of the bus belonging to the respondent Corporation. After having rendered such a finding, the Tribunal proceeded to fix the compensation. The final compensation was fixed at Rs.77,000/- in the following manner:

Sl. No.	Compensation awarded under the head	Amount (in Rs.)
1.	For injury of 10%	50,000/-
2.	For pain and sufferings	20,000/-
3.	For Extra nourishment	5,000/-
4.	For Transport	2,000/-
	Total	77,000/-



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The above compensation was directed to be paid with interest at 7.5% p.a.

The claimant, not being satisfied with the compensation awarded by the Tribunal, has approached this Court seeking for enhancement of compensation.

4. Heard Mr.C.Prabakaran, learned counsel for appellant/claimant and Ms.G.V.Shilpa, learned counsel for respondent insurance company.

5. This Court carefully considered the submissions made on either side and the materials available on record.

6. This Court also carefully went through the award passed by the Tribunal.

7. The learned counsel for the appellant submitted that the Tribunal had fixed a very low notional amount per percentage and it requires enhancement. It was further submitted that no compensation was given under the head of 'attender charges' and a very low compensation was fixed under the head 'extra nourishment' considering the fact that the claimant was undergoing treatment as in-patient for nearly five days.



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8. Per contra, the learned counsel for the respondent Corporation submitted that the Tribunal has fixed a very reasonable compensation and it does not require interference of this Court.

9. In the considered opinion of this Court, the accident had taken place in the year 2015 and the Tribunal has correctly determined the prevailing index at Rs.5,000/- during the relevant point of time and has arrived at a sum of Rs.50,000/- (10 x 5000) to be granted for the disability. This finding does not require any interference.

10. It is seen from records that the claimant who was a minor aged about six years had suffered certain injuries and was taking treatment in the Government Hospital, Vellore as an in-patient for five days. Therefore, this Court is inclined to grant Rs.10,000/- towards attender charges. This Court is also inclined to enhance the compensation under the head 'Extra Nourishment' from Rs.5,000/- to Rs.10,000/-. Except this, no further modification is required for the award passed by the Tribunal.

11. In the light of the above discussion, this Court modifies the compensation in the following manner:



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Sl. No.	Compensation awarded under the head	Amount (in Rs.)
1.	For injury of 10%	50,000/-
2.	For pain and sufferings	20,000/-
3.	For Extra nourishment	10,000/-
4.	For Transport	2,000/-
5.	For Attender charges	10,000/-
	Total	92,000/-

12. The compensation awarded by the Tribunal at Rs.77,000/- is enhanced to Rs.92,000/-. The respondent insurance company is directed to deposit the enhanced compensation, less the amount already deposited, together with interest at 7.5% p.a. from the date of claim petition till the date of deposit within a period of four weeks from the date of receipt of this judgment. Insofar as the enhanced compensation of Rs.15,000/- is concerned, the appellants/claimants will not be entitled for interest for the period of delay of 136 days as was ordered by this Court in C.M.P.No.15642 of 2024, dated 28.02.2024. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the appellants. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

N.ANAND VENKATESH, J.



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13. In the result, the Civil Miscellaneous Appeal is allowed in the above terms. No costs.

15.04.2024

Speaking Judgment/Non-speaking Judgment
Index :Yes/No
Neutral citation: Yes/No
KST

To

The Motor Accident Claims Tribunal,
Chief Judicial Magistrate
Civil Judge (Senior Division)
Vellore.

C.M.A.No.699 of 2024