



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 548 of 2023

Minor M. Pavithra
Rep.by N.f.G/Mother Kanchana,
49/113, 11 th Cross, Kesavan Nagar,
Kannankurichi, Salem Dt.

Appellant

Vs

1. K. Ponnusamy
S/o. Kalianna Gounder, Prop.TST Bus
Service, 1/64, Narayanampalayam,
Morur (PO), Tiruchengode Tk.

2.United India Insurance Co.Ltd.,
D.O.1, 104-A, Ranga Building,
Peramanur Main Road, Salem.

3.Kalaivani
W/o. Murugan, 49/112, 11 th Cross,
Keshavan Nagar, Kannankurichi, Salem
Dt.

4.Minor. M. Sudharsanan
Rep.by N.F./G Mother M. Kalaivani, .

5.Meenakshi



6.New India Assurance Co.Ltd.,
2 nd floor, Sethukrishna Trade Centre,
133/31-1, Trichy Main Road, Salem.

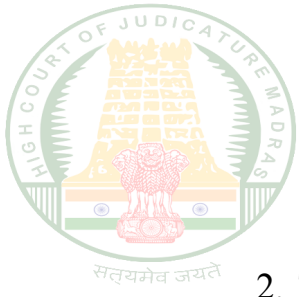
Respondents

PRAYER :- Civil Miscellaneous Appeal filed under Sec.173 of Motor Vehicle Act, praying to allow this civil miscellaneous appeal by enhancing the compensation awarded in the judgment and decree dated 07.10.2021 passed in MCOP No.1914 of 2017 on the file of the Motor Accident Claims Tribunal, Special District Court, Salem.

For Appellant:	Mr.Amar D.Pandiya For Mr.M. Mohamed Riyaz
For Respondents:	Ms.Rathna Thara For R2 Mr. J. Chandran For R6 R1 , R3 And R4 - No Appearance R5 - Deceased

JUDGMENT

The petitioner not being satisfied with the quantum of compensation awarded by the Motor Accident Claims Tribunal, Special District Judge, Salem in M.C.O.P.No. 1914 of 2017, dated 07.10.2021 has preferred this appeal seeking for enhancement of compensation.



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2. The case of the petitioner is that on 15.12.2016 at about 01.15 p.m. when the passengers were travelling in a car bearing Regn. No. TN-30 AB-1524 near Perunadu Village Ponnambara near Pilamthode, the bus bearing Regn. No. TN-19-A-8521 was driven by its driver in a rash and negligent manner came in the opposite direction and hit against the car. Due to which, passengers have sustained grievous injuries, in which one of passenger died and other passengers suffered injuries and they underwent treatment in the hospital. Under these circumstances, the claim petition came to be filed before the Tribunal seeking for payment of compensation.

3. The Tribunal on considering the facts and circumstances of the case and on appreciation of oral and documentary evidence, came to a conclusion that the accident had taken place only due to the rash and negligent driving on the part of the rider of the 1st respondent. Having come to such a conclusion, the Tribunal awarded the total compensation of Rs.45,000/- and the said was directed to be paid with interest at the rate of 7.5% per annum.



4. The petitioner not being satisfied with the quantum of compensation awarded by the Tribunal has filed the present appeal before this Court seeking for enhancement of compensation.

5. The learned counsel for appellant/petitioner would submit that at the time of accident, she was a minor and sustained head injury, hence, the pain and sufferings is to be taken into consideration and prayed to fix the award under that head.

6. The learned counsel for 2nd and 6th respondents raised strong objections stating that since the accident was happened in the year 2016 and she is a minor, the tribunal has rightly fixed the compensation, which needs no interference.

7. Heard and considered rival submissions made by learned counsel for appellant and respondents 2 and 6 and perused the materials available on record.

8. Considering the fact that the accident was happened in the year of 2016 and also she was a minor at the the time of accident and she sustained grievous injuries, this Court is inclined to include a sum of Rs.20,000/- under the head of pain and sufferings. Furthermore, the compensation awarded by the tribunal is reasonable one and does not require the interference of this Court.



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9. In the light of the above discussion, the compensation awarded by the tribunal is modified as follows:

S.No	Compensation awarded under the head	Amount (in Rs.)
1.	Compensation awarded by the tribunal	45,000
2.	Pain and Suffering	20,000
	Total	65,000

10. The compensation awarded by the tribunal at Rs.45,000/- is enhanced to Rs.65,000/-. The 2nd 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 eight weeks from the date of receipt of copy of this judgment. Insofar as the enhanced compensation is concerned, the deficit court fee, if not paid, shall be paid by the petitioner. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered. Since the appellant is a minor, the compensation shall be deposited in any nationalised



bank bearing fixed deposit scheme until the minor attain majority and the interest thereon shall be withdrawn by minor/appellant's mother, once in three

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months. Accordingly, this Civil Miscellaneous Appeal is partly allowed. No costs.

09-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Motor Accident Claims Tribunal, Special District Court, Salem.

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



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T.V.THAMILSELVI J.

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