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C.M.A.No.2520 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM:

THE HONOURABLE Mrs.JUSTICE R.KALAIMATHI

C.M.A.No.2520 of 2021

Minor Thanuja
(Minor Appellant represented by her Brother
and Guardian Muhammed Shafi)

... Appellant

vs.

1.Vasanthi

2.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

3.Abdul Basheer

4.The Branch Manager,
M/s.National Insurance Co. Ltd.,
Venkatesapuram, Bank of India Upstairs,
Perambalur.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, against the Judgment and Decree dated 26.09.2019 passed in M.C.O.P.No.270 of 2017 on the file of the Motor Accident Claims Tribunal / Principal District Court, Perambalur.

For Appellant : Mr.T.Gopinath

For Respondents : Mr.S.Arun Kumar [R2 & R4]

R1 and R3 – No Appearance



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JUDGMENT

This Civil Miscellaneous Appeal has been preferred by the claimant herein against the Award dated 26.09.2019 passed in M.C.O.P.No.251 of 2017 on the file of Motor Accident Claims Tribunal / Principal District Court, Perambalur for enhancement of compensation.

2. Parties are indicated herein as per their litigative status and ranking before the Tribunal.

3. The claimant herein had filed Claim Petition under Section 166 of Motor Vehicles Act, 1988 claiming compensation of Rs.15,00,000/- from the respondents for the injuries sustained by the minor Thanuja in a road traffic accident that occurred on 21.11.2016.

4. The Tribunal upon consideration of evidence granted compensation of Rs.2,33,000/- with interest at the rate of 7.5% p.a., from the date of filing of petition. The amounts granted by the Tribunal under various heads are given hereunder:



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Sl. No.	Description	Amount awarded by Tribunal
1	For Partial Permanent Disability	Rs.1,20,000/-
2	For Extra Nourishment	Rs. 10,000/-
3	For Pain and Sufferings	Rs. 20,000/-
4	For Medical Expenses	Rs. 83,000/-
	Total	Rs.2,33,000/-

5. It is the evidence of the brother and guardian of claimant Minor Thanjua (PW3) that the minor sustained injury on her lips and fracture of L3, dislocation of right hip. The minor was admitted at the Hospital on 22.11.2016 and got discharged on 28.11.2016, as per Ex.P14 discharge summary issued by Medical Trust Hospital, Cochin. The District Medical Board assessed the disability of the minor as 40%. In consideration of the injuries and age of the petitioner, disability is fixed as 35% for the whole body. For partial permanent disability, taking into consideration of the age of the claimant, nature of the injury and date of the accident, a sum of Rs.5,000/- per percentage is granted ($\text{Rs.5,000/-} \times 35\% = \text{Rs.1,75,000/-}$). For attender charges and for loss of amenities, an amount of Rs.10,000/- under each head is granted. As regards other heads, the amount awarded by the Tribunal appears to be reasonable and acceptable and therefore it does not warrant any interference by this Court. Therefore, the amounts



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awarded as mentioned supra is reworked and tabulated as given

hereunder:

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Sl. No.	Description	Amount awarded by Tribunal	Amount awarded by this Court	Award confirmed or enhanced or granted or reduced
1	For partial permanent disability	Rs.1,20,000/-	Rs.1,75,000/-	Enhanced
2	Towards extra nourishment	Rs. 10,000/-	Rs. 10,000/-	Confirmed
3	Towards Attender Charges	-	Rs. 10,000/-	Granted
4	Towards loss of amenities	-	Rs. 10,000/-	Granted
5	Toward pain and sufferings	Rs. 20,000/-	Rs. 20,000/-	Confirmed
6	Towards Medical Expenses	Rs. 83,000/-	Rs. 83,000/-	Confirmed
	Total	Rs.2,33,000/-	Rs.3,08,000/-	

6. Thus, the compensation awarded by the Tribunal is enhanced from Rs.2,33,000/- to **Rs.3,08,000/-** which would carry interest at the rate of 7.5% per annum from the date of petition.

7. In the result,

(i) This Civil Miscellaneous Appeal stands partly allowed.



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(ii) The compensation awarded by the Tribunal is enhanced from

Rs.2,33,000/- to **Rs.3,08,000/-**.

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(iii) The 2nd respondent / Insurance Company is directed to deposit the compensation amount now determined by this Court i.e., **Rs.3,08,000/-** (less the amount already deposited if any) together with interest at the rate of 7.5% per annum from the date of claim petition (**excluding the period of default, if any**) to the credit of M.C.O.P.No.251 of 2017 before the Motor Accident Claims Tribunal, Principal District Judge, Perambalur, within a period of eight weeks from the date of receipt of a copy of this Judgment.

(iv) On such deposit being made, the claimant is at liberty to withdraw the amount now determined by this Court along with interest and costs, after adjusting the amount, if any already withdrawn, by filing cheque application before the Tribunal. The claimant is directed to pay the Court fee for the compensation amount, if required. The Tribunal below shall disburse the compensation amount upon production of the certified copy showing proof of payment of Court fee by the claimant. Consequently, connected miscellaneous petition if any stands closed. No costs.

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Index : Yes/No

Speaking / Non-speaking order

ssn

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R.KALAIMATHI, J.,

ssn

To:

1. The Motor Accident Claims Tribunal,
Principal District Judge, Perambalur.
2. The Section Officer,
V.R.Section,
High Court of Madras,
Chennai.

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