

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.1.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.54 of 2015

Rajendra Kumar

.... Petitioner

vs

The Oriental Insurance Co Ltd.,
DABI, Indian Mutual Building,
1st floor, No.221, Gubbonpet Main Road,
N.R. Square,
Bangalore-560 002

.... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 3.9.2014 made in I.A.No.13 of 2014 in M.C.O.P No.742 of 2011 on the file of Additional District Judge, Dharmapuri.

For Petitioner : Mr.M. Selvam

For respondent : Mr.J. Chandren

ORDER

The claimant in M.C.O.P.No.742 of 2011 on the file of Additional District Court, Dharmapuri has filed the above Civil Revision Petition, challenging the order passed in I.A.No.13 of 2014 in M.C.O.P.No.742 of 2011.

2. The claimant filed a petition in M.C.O.P No.742 of 2011, claiming compensation of Rs.30,00,000/-, for the injuries sustained by him. The Motor Accidents Claims Tribunal awarded a total compensation of Rs.6,15,000/- towards loss of earning for the period of fifteen months; Rs.2,39,850/- towards permanent disability; Rs.5,000/- for travelling allowance; Rs.10,000/- towards pain and suffering; Rs.5,000/- for nutrition and a sum of Rs.4,47,389/- towards medical expenses as per Ex.P.8. In totalling all these amounts, the Motor Accidents Claims Tribunal committed an error by mentioning Rs.10,82,389/- instead of Rs.13,22,239/-.

3. In order to correct the mistake that had crept in the Award, the claimant filed an application in I.A.No.13/2014 under Section 152 of Civil Procedure Code to amend the decree and judgment. The Motor Accidents Claims Tribunal dismissed the application. Aggrieved over the same, the claimant filed the above Civil Revision Petition.

4. The learned counsel for the respondent fairly submitted that the mentioning of the total compensation as Rs.10,82,389/- is a mistake committed by the Motor Accidents Claims Tribunal and the actual Award amount should be Rs.13,22,239/-, as contended by the claimant. The learned counsel further submitted that the Tribunal had committed an error in totalling the compensation awarded towards various heads.

5. Having regard to the submissions made by the learned counsel on either side, the Award of Rs.10,82,389/- is modified as Rs.13,22,239/-. Therefore, there shall be a decree for a sum of

Rs.13,22,239/-(Rupees Thirteen lakhs twenty two thousand two hundred thirty nine only) instead of Rs.10,82,389/-. In other aspects, the Award and Decree passed in M.C.O.P No.742 of 2011 shall remain unaltered.

6. With these observations, the Civil Revision Petition is allowed. No costs.

4-1-2016

sr

Index:no
website:yes

Note: Issue Order copy on 8.1.2016

To

The Motor Accidents Claims Tribunal
(Additional District Judge, Dharmapuri)

M. DURAISWAMY,J.,

sr

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4-1-2016