



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2016

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP (MD) .No.2600 of 2016

Sheik Mohammed : Petitioner/Petitioner/Claimant
Vs.

1. Gilda

2. Sri Ram General Insurance Company Limited,
through its Branch Manager,
No.8, RIICO Industrial area,
Sitapura, Jaipur, Rajasthan. : Respondents/Respondents/
Respondents

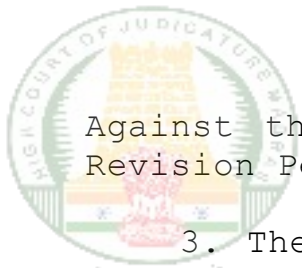
Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the trial Court to number the un numbered I.A.S.R.No.6044 of 2016 in MCOP.No.224 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Additional District Court, Thirunelveli) dated 28.02.2014 and amend the decree in MCOP.No.224 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Additional District Court, Thirunelveli).

For Petitioner : Mr. T. Selvakumaran

O R D E R

This Civil Revision Petition is filed to direct the trial Court to number the un numbered I.A.S.R.No.6044 of 2016 in MCOP.No.224 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Additional District Court, Thirunelveli) dated 28.02.2014 and amend the decree in MCOP.No.224 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Additional District Court, Thirunelveli).

2. The petitioner herein filed MCOP.No.243 of 2013 claiming a sum of Rs.10,00,000/- as compensation together with interest at 12% p.a from the date of petition till the date of payment. The respondents filed counter and award was passed awarding a sum of Rs.5,31,770/- together with interest. In the decree, name of the petitioner's father, age and address and quantum of claim were mentioned wrongly. The petitioner filed I.A.S.R.No.6044 of 2016 to correct the decree. The learned Judge returned the same on the ground that clerical or arithmetical mistakes for amendment sought for in the petition is not maintainable.



Against the said return, the petitioner filed the present Civil Revision Petition.

3. The learned counsel appearing for the petitioner submitted that the learned Judge failed to consider the Section 152 of CPC and erred in returning the application holding that only arithmetical or clerical error can be carried out. The petitioner is seeking amendment as per the Section 152 of CPC. In the claim petition the petitioner has furnished the details as follows:-

"Sheik Mohammed, S/o. Mohammed Abdul Kani, aged 47 years and residing at Basheerappa Street, Melapalayam, Thirunelveli".

4. In the decree copy it has been incorporated as follows:-

"Sheik Mohammed, age 25, S/o. Sahul Hameed, 5th Cross Street, Rahmed Nagar, Palayamkottai".

5. Now the petitioner seeks amendment of the details of the petitioner and also submitted that he has filed a claim petition for a sum of Rs.10,00,000/-, but, in the Award it has been stated as the petitioner claimed only a sum of Rs.3,00,000/-.

6. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. It is seen that the amendment sought for by the petitioner is as per the claim petition. In the circumstances, the petitioner is directed to represent the petition in I.A.S.R.No.6044 of 2016 in MCOP.No.224 of 2013 on the file of the Motor Accidents Claims Tribunal (IV Additional District Court, Thirunelveli) and on such representation, the Motor Accidents Claims Tribunal (IV Additional District Court, Thirunelveli) is directed to number the same if otherwise in order and pass orders on merits and in accordance with law as expeditiously as possible

8. With the above direction the Civil Revision Petition is disposed of No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar



To

The Motor Accidents Claims Tribunal
(IV-Additional District Court, Thirunelveli).

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+1cc to Mr.T.Selvakumaran, Advocate SR.NO.83151

trp

sm:RR-BS:02/02/2017:3P/3C

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