

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Seventeenth day of November Two Thousand Seventeen

PRESENT

THE HON`BLE MR.JUSTICE A.SELVAM

and

THE HON`BLE MR.JUSTICE P.KALAIYARASAN

CMP No.19554 of 2017

in CMA No.177 of 2015

1 VIJAYALAKSHMI [PETITIONERS]

2 PRAVEENA

3 MINOR SHARMATHA

4 MINOR GOKUL

MINOR PETITIONERS 3 & 4 ARE REPRESENTED
BY THEIR NATURAL GUARDIAN
NEXT FRIEND AND MOTHER MRS.VIJAYALAKSHMI

5 KALIAMMAL

6 RAMASAMY GOUNDER

Vs

1 THE MANAGING DIRECTOR [RESPONDENTS]
TAMILNADU STATE TRANSPORT CORPORATION LTD
COIMBATORE DIVISION 1,
3 METTUPALAYAM ROAD, COIMBATORE

2 D. SASIKUMAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modification the order by deleting Serial Number of the Petitioner No.6, in all the places of the above order dated 13.2.2017 passed in CMP NO. 19204/2016 pending CMA No.177 of 2015.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.R.NEELAKANDAN, Advocate for the petitioner and of the respondent not appearing either in person or by an Advocate the court made the following order:-

[Order of the Court was made by A.SELVAM, J.]

This petition has been filed praying to modify the order dated 13.02.2017 passed in C.M.P.No.19204 of 2016 in C.M.A.No.177 of 2015 by this Court.

2.It is averred in the petition that the petitioners have filed M.C.O.P.No.499 of 2009 on the file of the Motor Accidents Claims Tribunal [Subordinate Court], Bhavani, wherein, award amount of Rs.25,16,000/- is ordered. Further, it is averred in the petition that the Motor Accidents Claims Tribunal has apportioned the said amount amongst the petitioners 1 to 5 and no amount has been given to the sixth petitioner. But, erroneously in C.M.P.No.19204 of 2016, it has been mentioned to the effect that the sixth petitioner is also entitled to get a portion of the compensation. On that basis, the order dated 13.02.2017 has been passed and in order to modify the order dated 13.02.2017, this petition has been filed.

3.On the basis of the averments made in the petition, this Court has perused the award passed in M.C.O.P.No.499 of 2009 and ultimately, found that no amount has been given to the sixth petitioner/father of the deceased. But, in C.M.P.No.19204 of 2016, it has been erroneously mentioned that the sixth petitioner is also entitled to get compensation. On that basis, the impugned order has been passed by way of including the sixth petitioner.

4.Considering the fact that no amount has been awarded to the sixth petitioner and also considering that name of the sixth petitioner is erroneously written in C.M.P.No.19204 of 2016, this Court is inclined to allow the petition.

In fine, this petition is allowed. Registry is directed to delete sixth petitioner and also directed to issue fresh order copy.

-sd/-
17/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SUBORDINATE JUDGE
MOTOR ACCIDENT CLAIMS TRIBUNAL, BHAVANI.

C.C. to M/S.R.NEELAKANDAN Advocate SR.NO.14632

Order

in
CMP.19554/2017

in
CMA.177/2015

Date :17/11/2017

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
VS 20.12.2017