



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.P(MD)No.2563 of 2016

in

C.M.A(MD)No.SR 50085 of 2015

and

C.M.A(MD)No.SR 50085 of 2015

1.Kalifullasahibu

2.Ralina Begam

.. Petitioners/Appellants

Vs.

1.Chellamuthu

2.Udayapandi

3.Reliance General Insurance Company Ltd.,

Rep. Of its Manager,

Door No.408, 3rd Floor,

Perundurai Road,

Erode Town,

Erode District.

.. Respondents/ Respondents

PRAYER in C.M.P(MD)No.2563 of 2016: Petition has been filed Under Section 151 of C.P.C,to permit the petitioner to amend the award amount from Rs.5,44,000/- to Rs.10,00,000/- for enhancement of compensation.

Prayer in C.M.A(MD)SR.No.50085 of 2015:-Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicle Act 1988 against the judgment and Decree made on the M.C.O.P No.15 of 2011 on the file of the Motor Accident Claims Tribunal, (Sub Judge) Devakottai, dated 24.09.2013.

For Petitioners : Mr.T.Selvakumaran

For R1 : Mr.Murali Kumar

ORDER

The petitioners are the claimants filed M.C.O.P.No.15 of 2011 before the Motor Accident Claims Tribunal (Sub Judge), Devakottai, claiming compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) for the death of their son in the accident that took place on 29.11.2009. The Tribunal awarded a sum of Rs.5,44,000/- (Rupees



Five Lakhs and Fourty Four Thousand only) together with interest at the rate of 6%.

2.The Petitioner has filed present C.M.P. No.2563 of 2016 to permit the petitioner to amend the award amount from Rs.5,44,000/- (Rupees Five Lakhs and Fourty Four Thousand only) to Rs.10,00,000/- (Rupees Ten Lakhs only) for enhancement of compensation.

3.From the records, it is seen that Petitioner/Appellant claimed a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) as compensation. The Tribunal awarded a sum of Rs.5,44,000/- (Rupees Five Lakhs and Forty Four Thousand only). The petitioner has filed Civil Miscellaneous Petition for enhancement of compensation to Rs.10,00,000/- (Rupees Ten Lakhs only). In the Circumstances, the present application is unnecessary and dismissed as not maintainable.

4.In the result,this Civil Miscellaneous Petition is dismissed. No costs. Consequently, connected C.M.A.(MD) No.SR.50085 of 2015 is dismissed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The Motor Accident Claims Tribunal(Sub Judge)
Devakottai.

MRN/AM

JS/K/SAR.3/12.04.2017/2P-2C

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