



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Appellate side Jurisdiction)

Monday, the Thirtieth day of July Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

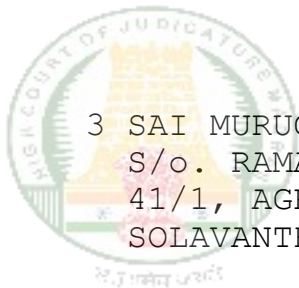
CMP(MD) No.6825 of 2018
IN
CMA(MD) No.212 of 2016

- 1 KALAIVANI,
W/o. BALA AMUTHAN,
32, ENNAYIRAM PILLAYARKOVIL STREET,
TIRUNELVELI.
- 2 MINOR SAHANA,
S/o. BALA AMUTHAN,
32, ENNAYIRAM PILLAYARKOVIL STREET,
TIRUNELVELI.
REP BY THE MOTHER GUARDIAN R1.
- 3 MINOR. RAM VISHAL,
S/O. BALA AMUTHAN,
32, ENNAYIRAM PILLAYARKOVIL STREET,
TIRUNELVELI.
REP BY THE MOTHER GUARDIAN R1.
- 4 SANGILI@PANDI,
S/o.VELLAISAMY,
32, ENNAYIRAM PILLAYARKOVIL STREET,
TIRUNELVELI.
- 5 RAMATHILAGAM
[W/o.SANGILI@PANDI](#),
32, ENNAYIRAM PILLAYARKOVIL STREET,
TIRUNELVELI.

... PETITIONERS

Vs

- 1 THE UNITED INDIA INSURANCE CO. LTD.,
THROUGH ITS BRANCH MANAGER,
No.53, NORTH RAJA STREET, THIRUVALLUR.
- 2 SHANMUGAVEL
S/o. KUMARAVEL,
<https://hcservices.ecourts.gov.in/hcservices/>
94, A.V.P. SAITHAMBI STREET,
MANAVALA NAGAR, THIRUVALLUR TALUK.



3 SAI MURUGAN
S/o. RAMACHANDRAN,
41/1, AGRAHARAM THENKARAI,
SOLAVANTHAN, MADURAI.

4 NATIONAL INSURANCE COMPANY LTD.,
THRO ITS DIVISIONAL MANAGER,
OFFICE 101-106, 1, B.M.C.HOUSE
CONNAUGHT PLACE,
NEW DELHI.

... RESPONDENTS

Prayer in CMP(MD) No.6825 of 2018:

Petition filed under Section 151 of CPC to modify the order dated 03.04.2018 that this Hon'ble Court direct the 1st appellant to recover 30% of the award amount from the 8th respondent and thus render justice.

Prayer in CMA(MD)No.212/ 2016 :

Appeal filed under Section 173 of Motor Vehicle Act 1988, against the Judgment and Decree dated 12.09.2011 passed in MACOP No.236 of 2011 on the file of the Honourable Motor Accidents Claims Tribunal (Additional District Judge) (Fast Track Court No.2) Tirunelveli.

ORDER : This Petition is coming on for hearing on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.SELVAKUMARAN, Advocate for the petitioner and of Mr.G.PRABHU RAJADURAI, Advocate for the 1st respondent and of Mr.J.S.MURALI, Advocate for the 4th respondent and none appeared on behalf of 2nd and 3rd respondents, the court made the following order:-

(Order of the Court was made by K.RAVICHANDRABAABU,J)

This Miscellaneous Petition is filed seeking to modify the order passed by this Court on 3.4.2018 in C.M.A(MD)No.212 of 2016.

2.We have heard the learned counsel for the Petitioners and the learned counsels appearing for the respondents and perused the affidavit filed in support of the present petition.

3.We do not think that the present petition is maintainable, more particularly, when We have disposed the appeal thereby allowing it in part with a direction to the appellant as well as the R-8 to deposit their respective quantum of compensation within a period of eight weeks and on such deposit, by permitting the major claimants to withdraw their respective shares by filing appropriate application before the Tribunal. When such finding and observation have been made in the appeal, We do not think that the present application is entertainable on the reason set out, as it is for the Petitioners herein to work out their remedies in accordance with the order already passed by this Court in the above appeal.



4. Accordingly, this Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

TO

THE ADDITIONAL DISTRICT JUDGE/
MOTOR ACCIDENT CLAIMS TRIBUNAL
(FAST TRACK COURT No.2),
TIRUNELVELI.

DATE OF ORDER : 30.07.018

ORDER

CMP(MD) No.6825 of 2018 IN
CMA(MD) No.212 of 2016

Giving directions etc., as
stated within.

TE/KAK/SAR-1 : 29/08/2018 : 3P/2C