

C.M.P.No.12241 of 2019
in
C.M.A.SR.No.59770 of 2019

S.RAMATHILAGAM.J.,

This CMP has been filed to accept the cause title in the appeal. The said appeal is filed against the judgment and decree dated 06.08.2013 and made in M.A.C.T.O.P.No.4626 of 2009 on the file of the Motor Accident Claims Tribunal, Chennai (Special Sub Judge I dealing with MCOP cases).

2.It is stated that at the time of filing the claim petition, the mother of the deceased was alive and she was not added as petitioner in the claim petition and at the time of concluding the claim petition she was added as 3rd claimant and apportionment was also given to her, subsequently she died. Since the other claimants are challenging the said award as per the cause title, the learned counsel for the petitioner prayed for accept the cause title by including the mother of the deceased as 3rd appellant who died subsequent to the award passed by the Tribunal. Subsequently, at the time of fixing the award the 3rd petitioner was no more. Hence, when the appeal is preferred by the appellants this cause title has to be amended.

3.It is also submitted that the award was passed on 06.08.2013 and the 3rd petitioner died on 30.01.2014 the CMA has been preferred by the petitioners in the year 2019 with an abnormal delay of nearly five years. Only with regard to the amendment this CMP is allowed.

4.In view of the reasons stated by the learned counsel for the petitioner, the Civil Miscellaneous Petition is allowed.

19.06.2019

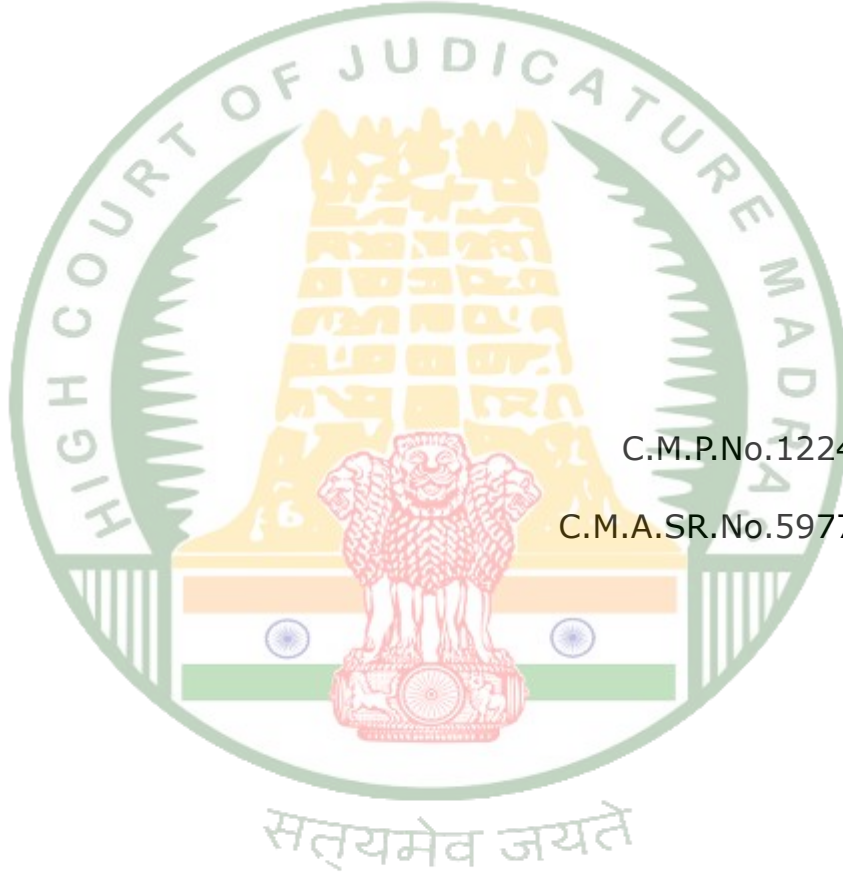
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