

C.M.P.No.14336 of 2019

in

C.M.A.No.2709 of 2019

S.RAMATHILAGAM, J.

This petition has been filed by the petitioners to amend the prayer in C.M.A.No.2709 of 2019.

2.The learned counsel for the petitioners would submit that the enhancement award passed by the Tribunal on 07.01.2019 in M.C.O.P.No.344 of 2006 has to be amended. The Tribunal has fixed liability on the 1st respondent viz. the owner of the vehicle, to pay the compensation amount instead of the 2nd respondent, the Insurance Company. Accordingly, prays for appropriate orders.

3.Heard the learned counsel for the petitioners.

4.It is seen that the C.M.A has been filed only for seeking liability which has to be fixed on the 2nd respondent, the Insurance Company instead of 1st respondent, the owner of the vehicle. There is no mention of enhancement of the award amount. The grounds raised by the petitioners are that the liability fixed on the 1st respondent is erroneous and no amount has been deposited by the 1st respondent till now. The amendment sought is only to the extent

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that a direction to be issued to the Tribunal regarding the fixing of liability on the 2nd respondent.

5.In view of the reasons and contentions raised by the learned counsel appearing for the petitioners, this amendment petition is allowed.

18.07.2019

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Note: Registry is directed to carryout the necessary amendment.

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