

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(PD)No. 78 of 2018
and
C.M.P.No. 333 of 2018

Gnanaprakasam

...Petitioner

Vs.

1.Shankar

2.The TATA AIG General Insurance Company Ltd.,
III Party Cell,
No. 403, Samson Towers,
2nd Floor, Pantheon Road,
Egmore, Chennai - 600 008.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and decretal order passed in M.P.No.523 of 2017 in M.C.O.P.No. 4638 of 2014 dated 14.09.2017 passed by II-Judge, Court of Small Causes at Chennai dismissing the M.P.No.523 of 2017.

For Petitioner : Mr.C.Richard Suresh Kumar

For Respondents: Ms.M.B.Ramya for Mr.M.B.Raghavan for R2
R1- Exparte

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O R D E R

This civil revision petition has been filed by the claimants in M.C.O.P.No.4638 of 2014 on the file of the Motor Accident Claims Tribunal, Chennai, challenging the order dismissing their application for amendment of the original petition seeking enhanced compensation.

2.Heard Mr.C.Richard Suresh Kumar, learned counsel for the petitioner and Ms.M.B.Ramya for Mr.M.B.Raghavan, learned counsel

for the second respondent.

3.Ms.M.B.Ramya, learned counsel for the second respondent would submit that the Tribunal has, after all, reserved its discretion to grant more compensation than the amount claimed without there being an amendment. Therefore, the order of the Tribunal need not be interfered with.

4. I am in entire agreement with the contention of the learned counsel for the second respondent / Insurance company. It is settled law that the Motor Accident Claims Tribunal is entitled to grant just compensation, which may be more the amount claimed, in a given case. Therefore, I see no reason to interfere with the order of the Tribunal. This civil revision petition fails and it is accordingly dismissed. Consequently, connected miscellaneous petition is closed. No costs. It is made clear that, it is open to the Tribunal to grant compensation, which may be over and above the compensation claimed in the original petition.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkn

To

The II-Judge,
Court of Small Causes,
Chennai.

C.R.P(PD).78 of 2018

and

C.M.P.No. 333 of 2018

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AJS (CO)
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