

**C.M.P.No.4103 of 2021**

**in**

**C.M.A.No.47 of 2015**

**DR.G.JAYACHANDRAN,J.**

Claim petition was filed by the parents and sister of the diseased minor boy K.Ajithkumar. The Tribunal awarded compensation of Rs.4,75,000/- to be proportionately apportioned between the claimants. Aggrieved by the award, appeal was preferred by the claimants for enhancement of compensation in C.M.A No.47 of 2015.

2. Both the learned counsel for the petitioner as well as the learned counsel for the respondent are present.

3.This court on considering the facts and circumstances, has enhanced the compensation to Rs.6,40,006/- to be apportioned between the claimants as under:

First claimant - Rs.4,00,000/-  
Second claimant - Rs. 2,00,000/-  
Third claimant - Rs.40,006/- ,

along with proportionate accrued interest.

4.This order was passed on 08.12.2020. The first appellant has taken

out an application to recognise the first appellant and the third appellant as legal heirs of the second appellant, since the second appellant V.Kumar died on 01.06.2015, much before the CMA was numbered. However, the learned counsel for the appellant has not brought the said fact to the notice of this court till the disposal of the CMA in the year 2020.

5. Now, this application is filed to recognise the first and the third appellant as the legal heirs of the deceased second appellant, who was not alive even on the date of CMA numbered.

6. In the affidavit filed by the first appellant accompanying the present application, it is averred that a petition to recognise the wife and daughter i.e., the first and the third appellant was filed on 08.07.2015 and its fate is not known.

7. It is for the petitioner/appellant to furnish the details about the date on which such petition was filed along with the S.R. Number but the affidavit is silent about that. Be that as it may, now the Death Certificate of

V.Kumar/second appellant in the CMA is annexed, which indicates that he died on 01.06.2015. This Court, while enhancing the compensation awarded by the Tribunal, has apportioned Rs.2 lakhs as the share of the second appellant V.Kumar, the father of the victim. Since he is now died, the estate of the second appellant should be reverted to his wife and daughter, who are the surviving legal heirs of the second appellant. Therefore, the death of the second appellant is recorded.

8. The order of this Court dated 08.12.2020 is modified to the effect that the share of the second claimant Rs.2,00,000/- shall be equally apportioned by the first and the third appellants. In all other aspects, the order of this Court dated 08.12.2020 stands confirmed. This order shall be an addendum to the order of this Court dated 08.12.2020 in C.M.A.No.47 of 2015.

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