

CMP.No.1734 of 2021
in
CMA.No.2837 of 2016

R.SUBBIAH, J.
and
C.SARAVANAN, J.

This petition has been filed to modify the order in the above Civil Miscellaneous Appeal.

2. The learned counsel for the petitioners / claimants submitted that this Court, vide judgment dated 14.08.2020, partly allowed CMA.No.2837 of 2016 and rejected CMA.SR.No.3393 of 2020. Then, the matter was listed again on 29.09.2020 under the caption "for being mentioned" and a modified order was passed. However, in paragraph 4 (i) of the modified order, dated 29.09.2020, it was wrongly mentioned that the share of the father of the deceased shall fall upon the mother of the deceased, but the fact is that she died even before filing of the claim petition and in paragraph 4 (ii), the shares of the claimants are wrongly mentioned, viz., the first claimant is entitled for Rs.4,75,000/- and minor claimants 2 and 3 are jointly entitled for Rs.4,75,000/-. Hence, this petition is filed to modify the said order.

3. In view of the above submissions, the apportionment of shares are modified as below:

(i) the share of the deceased 4th petitioner / 4th claimant is reduced from Rs.1,00,000/- to Rs.50,000/- and the same shall fall upon the minor petitioners 2 and 3/ claimants 2 and 3 .

(ii) The 1st petitioner / 1st claimant is entitled to Rs.5,50,000/- and the 2nd petitioner / 2nd claimant is entitled to Rs.4,75,000/- and the 3rd petitioner / 3rd claimant is entitled to Rs.4,75,000/-.

4. Accordingly, this petition is allowed. In other aspects, the judgment dated 14.08.2020, shall remain in-tact.

pvs

[R.P.S., J] [C.S.N., J]
01.03.2021

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