



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Nineteenth day of February Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.1317 of 2021

IN

CMA(MD) No.1122 of 2015

THE UNITED INDIA INSURANCE CO.LTD.,
KUMBAKONAM.

... PETITIONER/APPELLANT

Vs

1 K.SARAVANAN

2 MINOR JANSIRANI

3 MINOR MUTHULAKSHMI

(Minor Respondents 2, 3 are rep.by their
Father and natural Guardian 1st Respondent
K.Saravnan)

4 M.ILAYARAJA

... RESPONDENTS/RESPONDENTS

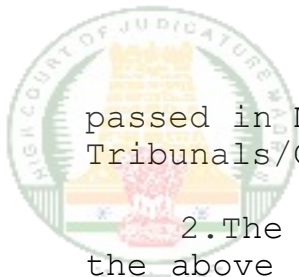
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order to amend the decree and judgment in MCOP No.145 of 2014 on the file of Chief Judicial Magistrate, Thanjavur by correcting the name of the 1st Respondent as K.Selvam instead of K.Saravanan.

PRAYER IN CMA(MD) No.1122 of 2015:

To prefer this Memorandum of Civil Miscellaneous Appeal before this Hon'ble Court against the Judgment and Decree dated 11.02.2015 passed in MCOP No.145 of 2014 on the file of the Hon'ble Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur.

ORDER :This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.G.PRABHU RAJADURAI, Advocate for the petitioner, the Court made the following order:-

The Civil Miscellaneous Petition has been filed under Section 152 of Cr.P.C, seeking orders to amend the decree and judgment
<https://hcservices.ecourts.gov.in/hcservices/>



passed in M.C.O.P.No.145 of 2014, on the file of the Motor Accident Tribunals/Chief Judicial Magistrate, Thanjavur.

2.The petitioner/appellant's contention is that after reserving the above case for judgment, they came to know that the name of the first claimant has been wrongly printed as K.Saravanan instead of K.Selvam in the decree and judgment of the trial Court, that the original name of K.Selvam has been correctly mentioned in the claim petition, that the records of the Tribunal have already been called for and are available with this Court, that the above said mistakes were arising from accidental slip and the same has to be corrected and that the petitioner will be put to irreparable loss and hardship, if the proposed amendment are not permitted.

3.It is evident from the records that the appeal as against R1 to R3 was already dismissed and that notice was sent to the fourth respondent, but he has not chosen to enter into appearance.

4.I have heard the learned counsel for the petitioner and perused the records. As rightly pointed out by the learned counsel for the petitioner, the first claimant's name has been mentioned as K.Selvam in the claim petition, but in the decree and judgment it has been shown as K.Saravanan. Since the proposed amendments are only to rectify the typographical mistake, this Court is inclined to allow the application.

5.It is further evident that in the appeal memorandum also the first respondent name was wrongly shown as K.Saravanan and he has not sought for any prayer to rectify the mistake occurred in the appeal memorandum. When the same was pointed out, the learned counsel for the petitioner would submit that the Court in the inherent powers can permit them to rectify the said mistake and to file the amended appeal memorandum. Since the petitioner has given the cause title particulars as given in the decree and judgment of the trial Court, the permission sought for is granted. The petitioner/appellant is directed to file the Amended Appeal Memorandum before on 24.02.2021.

6.Post the matter on 26.02.2021.

sd/-
19/02/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THANJAVUR.

ORDER

IN

CMP (MD) No.1317 of 2021

IN

CMA (MD) No.1122 of 2015

Date :19/02/2021

das

PK/JC/SAR-IV/25.02.2021 : 3P/2C