



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Thursday, the Thirtieth day of June Two Thousand Twenty Two

PRESENT

THE HON`BLE MS.JUSTICE V.M.VELUMANI

AND

THE HON`BLE MR.JUSTICE S.SOUNTAR

C.M.P.No.16 of 2018

in C.M.A.No.SR.69836 of 2017

1 SUDHA
W/O LATE MAHALINGAM

[PETITIONERS]

2 MINOR KIRTHIVASAN
S/O LATE MAHALINGAM

3 SHANMUGAM
S/O MADURAI VEERAN

ALL ARE RESIDING AT D.NO.833/2,
SANAPALAYAM WEST, TIRUCHENGODE (TK),
NAMAKKAL (DT)

NOW AT NEW EDAPPADI ROAD,
SANKARI (TK), SALEM (DT)

MINOR PETITIONER NO.2 IS REP. BY HIS
NEXT FRIEND/GUARDIAN MOTHER SUDHA

Vs

1 DEIVASIGAMANI

[RESPONDENTS]

2 SUMATHI

3 THE NEW INDIA ASSURANCE CO. LTD.,
66-C, NORTH CAR STREET, TIRUCHENGODE

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to amend the claim amount claimed in the column 21 of the claim petition "as 21,30,000/- instead of 10,00,000/-" in M.C.O.PNo.897/2010 on the file of the Motor Accident Claims Tribunal/Subordinate Court, Sankari [C.M.P.No.16 of 2018 in C.M.A.No.SR.69836 of 2017]



Order : This Miscellaneous petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.S.ARTHANAREESWARAN, Advocate for the petitioner and of M/S.J.MICHAEL VISVASAM, Advocate for the 2nd Respondent and 3rd Respondent not appearing either in person or by an Advocate, the court made the following order:-

(Order of the Court was delivered by V.M.VELUMANI, J.)

C.M.P.No.16 of 2018 is filed to permit the petitioners to amend the claim amount claimed in column 21 of the claim petition as Rs.21,30,000/- instead of Rs.10,00,000/- in M.C.O.P.No.897 of 2010 on the file of the Motor Accident Claims Tribunal, Sub Court, Sankari.

2.Heard the learned counsel appearing for the petitioners and perused the entire materials on record.

3.According to petitioners / claimants, they are entitled to more compensation than what is claimed in the claim petition and than what is awarded by the Tribunal. They have filed C.M.A.No.SR.69836 of 2017 for enhancement of compensation. Pending numbering of SR, the petitioners are seeking amendment of claim petition claiming more amount. It is well settled that the Tribunal and Court must award just compensation, which may be more than what is claimed by the claimant.

4.In view of the same, if the petitioners are entitled to more amounts than what is claimed in the claim petition, the Court has power to award more compensation even without amending the claim petition.

5.In the result, C.M.P.No.16 of 2018 is dismissed.

-sd/-

30/06/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, SANKARI



COPY TO

THE ASSISTANT REGISTRAR,
MAIN AE SECTION,
HIGH COURT, MADRAS 104

Order
in
C.M.P.No.16 of 2018
in C.M.A.No.SR.69836 of 2017

Date :30/06/2022

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