



CRP(PD)(MD)No.1317 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRP(PD)(MD)No.1317 of 2022

CMP(MD)No.5449 of 2022

Ramakrishnan (died)

1. Padmavathi
2. Santhanam
3. Mohana

... Petitioners

versus

Gnaprakasam (died)

1. The Manager,
Reliance Insurance Company Ltd.,
Coimbatore,
Office at Madathu Street,
Kumbakonam.

2. Suriya
3. Kanagadurga
4. Minor Kiruthika

Minor R4 is represented by her guardian
3rd respondent.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 25.08.2015 made in



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I.A.No.69 of 2021 in M.C.O.P.No.16 of 2015 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam.

For Petitioners : Mr.T.Selvakumaran

ORDER

This Civil Revision Petition is filed against the order dated 25.08.2015 passed by the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam, in I.A.No.69 of 2021 in M.C.O.P.No.16 of 2015.

2. The said interlocutory application was filed by one Ramakrishnan, who is now dead and Padmavathi, who are the claimants in M.C.O.P.No.16 of 2015, under Order VI Rule 17 r/w. 152 CPC to amend the award by giving an additional amount of Rs.27/- to the respondent No.5, since there was a miscalculation of figures in the award.



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3. The said Ramakrishnan and Padmavathi filed a claim petition in M.C.O.P.No.16 of 2015 before the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam, claiming compensation of Rs.15,00,000/- for death of his son in an accident that had taken place on 07.09.2011. The Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam, after enquiry, has passed an award on 25.08.2015, directing the respondent No.2 to pay a sum of Rs.13,07,852/- to the claimants 1 and 2 and the respondents 4 and 5 along with interest at the rate of 7.5% p.a. The Tribunal has also apportioned the award amount of Rs.2,76,956/- each to the claimants 1 and 2, Rs.3,76,957/- to respondent No.4 and Rs.3,76,956/- to the respondent No.5 with costs and interest. According to the petitioners, the apportioned award amount comes around Rs.13,07,825/-, but, while computing the award amount, due to oversight, the amount has wrongly been mentioned as Rs.13,07,852/-. Since there was a difference of Rs.27/- between the total award amount



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and total share amount, the claimants 1 and 2 have filed the above interlocutory application to amend the award amount by adding Rs.27/- in addition to the share of Rs.3,76,956/- already allotted to the respondent No.5. The respondent No.2, namely, the Reliance General Insurance Company preferred an appeal before this Court in C.M.A. (MD)No.595 of 2021, which was dismissed by this Court on 12.07.2021 by confirming the award passed by the Tribunal. Since the award passed by the Tribunal has been confirmed by this Court in C.M.A.(MD)No.595 of 2021, the Motor Accident Claims Tribunal, Thanjavur, at Kumbakonam, vide order dated 01.12.2021, dismissed the said interlocutory application stating that the Tribunal does not have any *locus standi* to amend the award. Aggrieved over the same, the present Civil Revision Petition is filed.

4. The trial Court, after careful perusal of the grounds taken in the interlocutory application, found that there is a difference of Rs.10,000/- in respect of totalling the compensation award under



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different heads as well as there is a difference of Rs.27/- between the actual award amount and the total share amount. Therefore, the Tribunal dismissed the said interlocutory application by giving liberty to the petitioners to approach this Court for getting a necessary clarification in this regard. Therefore, the petitioners are before this Court.

5. When the Civil Revision Petition is taken up for hearing, the learned counsel appearing for the petitioners filed a memo stating that the first petitioner/second claimant is ready to waive the difference amount of Rs.27/- and also Rs.10,000/- from her share amount and therefore, a clarification may be issued, so that, the amount can be disbursed to the parties at the earliest.

6. In view of the memo filed by the first petitioner/second claimant, the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam, shall waive the difference of



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Rs.10,027/- from the second claimant/first petitioner's account and distribute the award amount as apportioned in the earlier award, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

01.07.2022

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Index : Yes / No

Internet: Yes / No.

To

1. The Motor Accident Claims Tribunal
(Chief Judicial Magistrate),
Thanjavur at Kumbakonam.



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B.PUGALENDHI, J.

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