



Rev.Applc(MD)No36 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 07.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE R.THARANI

**Rev.Applc(MD)No. 36 of 2023
and
C.M.P.(MD)No.5491 of 2023**

The Branch Manager,
National Insurance Company Ltd.,
Office at Sub Collector office Road,
Opposite to District Court,
Dindigul.

... Petitioner /2nd Respondent

Vs.

1.Rasu

2.Murugammal

... Respondents 1 & 2 /Appellants 1 & 2

3.Ponnusamy

... 3rd Respondent / 1st Respondent

PRAYER :- Review Application is filed under Order XLVII Rule 1 r/w Section 114 of the Code of Civil Procedure, to review the judgment and decree, dated 19.09.2022, in C.M.A.(MD)No.367 of 2021 passed by this Court.

For Review Petitioner : Mr.A.S.Mathialgan

For Respondents : Mr. S.Pugalendhi for R1 and R2

: No appearance for R3



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ORDER

This Review Application is filed against the judgment passed in C.M.A.(MD)No.367 of 2021, dated 19.09.2022.

2. On the side of the review petitioner, it is stated that the claim petition was filed under Section 163-A of the Motor Vehicles Act and the liability of the Insurance Company was restricted only to Rs.5,00,000/-, but, the award was passed for a sum of Rs.7,50,400/- and the award to be restricted to Rs.5,00,000/-

3. On the side of the respondents/ claimants, it is admitted that the petition was filed only under Section 163-A of the Motor Vehicles Act and the counsel for the claimants agreed to reduce the compensation to Rs.5,00,000/-.

4. Records perused. The counsel for the Insurance Company failed to mention that this petition was filed under Section 163-A of the Motor Vehicles Act, at the time of his arguments.



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5. Since the counsel for the claimants agreed to reduce the award amount, the following rectification are made in the judgement:

6. In paragraph No.9, the following words are to be inserted
“Since the petition was filed under Section 163-A of the Motor Vehicles Act, the award is restricted to Rs.5,00,000/-.

7.1. In paragraph No.9(i) the number Rs.7,50,400/- is to be removed and replaced as **Rs.5,00,000/- (Rupees Five Lakhs only)”**

7.2. In paragraph No.9 (ii), in the second line, the number Rs. 7,50,400/- is to be removed and replaced as **Rs.5,00,000/-**.

7.3. In paragraph No.9 (iv), in the third line, the number Rs. 3,50,400/- (Rupees Three Laksh Fifty Thousand and Four Hundred only) is to be removed and replaced as **Rs.2,00,000/- (Rupees Two Lakhs only).**

7.4. In paragraph No.9 (iv), in the fifth line, the number Rs.4,00,000/- (Rupees Four Lakhs only) is to be removed and replaced as **Rs.3,00,000/- (Rupees Three Lakhs only).**



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8. With the above observations, this Review Application is **allowed**. No costs. Consequently, connected Miscellaneous Petition is closed. And the Registry is directed to modify the above order in paragraph Nos.9, 9(i), 9(ii) and 9(iv) and to issue a fresh order copy and the decree.

07.06.2023

NCC: Yes / No
Index: Yes / No
Ls



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To

1.The Motor Accident Claims Tribunal cum
Principal District Judge,
Dindigul.

2.The Record Keeper, Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI, J.

Ls

order made in
Rev.Applc(MD)No.36 of 2023

07.06.2023