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C.M.P.No.7748 of 2024 in
C.M.A. SR.No.6429 of 2024

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR. J]

Captioned main 'Civil Miscellaneous Appeal' (hereinafter 'CMA' for the sake of brevity) is a statutory appeal which has been filed in this Court on 12.01.2024 under Section 173 of 'The Motor Vehicles Act, 1988' (hereinafter 'MV Act' for the sake of brevity). Captioned main CMA is directed against a judgment and decree dated 02.09.2023 made in M.A.C.T.O.P.No.129 of 2011 on the file of 'Principal Sub Court, Ponneri (Motor Accidents Claims Tribunal)' i.e., 'MACT' for the sake of brevity.

2. The claimant before the aforementioned MACT is the appellant before us.

3. Mr.A.G.F.Terry Chella Raja, learned counsel for the appellant/claimant submits that the appellant/claimant is 'PRASANTH'. There is a mistake in the judgment and decree of said MACT. Learned counsel taking us through the judgment and decree of said MACT i.e.,



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the impugned judgment and decree submitted that the judgment and decree describes the claimant's name as பிரசாத், த/பெ.பிரேம்குமார்.

4. Learned counsel submits that the captioned 'Civil Miscellaneous Petition' (hereinafter 'CMP' for the sake of brevity) with 'accept the cause title' prayer has been filed owing to the aforementioned mistake that has been crept to the impugned judgment and decree.

5. We are of the considered view that the appropriate course for the petitioner/appellant would be to approach the said MACT interalia under Section 152 of 'The Code of Civil Procedure, 1908' ['CPC' for the sake of brevity] and seek amendment of the clerical error that according to the petitioner/appellant has crept in to the impugned judgment and decree.

6. Faced with the above situation, learned counsel requested for return of certified copy of the impugned judgment and decree for the purpose of taking it to said MACT and apply inter-alia under Section 152 CPC. This request is acceded to.



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7. Registry to return the impugned judgment and decree dated 02.09.2023 in M.A.C.T.O.P. No.129 of 2011 to the counsel on record for the appellant under due acknowledgment forthwith i.e., on this order being uploaded.

8. After doing course correction, it is open to learned counsel for petitioner/appellant to represent the papers.

9. Captioned CMP is disposed of as closed *albeit* with the aforementioned observation and directive. There shall be no order as to costs.

(M.S.J.) (K.G.T.J.)
05.04.2024

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P.S. I: Upload forthwith

P.S.II : All concerned including the Principal Sub Court, Ponneri (Motor Accidents Claims Tribunal) to act forthwith on the uploaded soft copy of this proceedings as uploaded in the official website of this Court. To be noted, the soft copies uploaded in the official website of this Court are water marked, besides being QR Coded.

M.SUNDAR, J.,



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**and
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05.04.2024