



C.R.P. No. 3356 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

C.R.P. No. 3356 of 2017

and

C.M.P. No. 15590 of 2017

1.G. Gowri

2.Minor. Nivedhini

(R2 represented by its natural guardian G. Gowri)

... Petitioners

Vs.

1.The National Insurance Company Limited,
Old No.6, New No.25,
Whites Road, Mamata Complex, 3rd Floor,
Chennai – 14.

2.P. Irulandi

3.I. Otchammal

... Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside docket order dated 30.09.2011 in I.A. No. 1726 of 2011 in M.C.O.P. No. 724 of 2006 on the file of Additional District and Sessions Court, Tirupur.



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For Petitioners : Mr. Balaji Thirumoorthy

For Respondents : Mr. P. Thangavel, for R2 & R3

ORDER

This Civil Revision Petition has been filed against the order dated 30.09.2011 in I.A. No. 1726 of 2011 in M.C.O.P. No. 724 of 2006 on the file of the Additional District and Sessions Court, Tirupur.

2. Heard the learned counsel for the petitioners and the learned counsel appearing for the respondents 2 and 3.

3. The petitioners are the wife and minor daughter of the deceased person who died in a motor vehicle accident that occurred on 20.09.2005. The said M.C.O.P. No. 724 of 2006 was disposed of by decree and judgment dated 30.06.2011 awarding compensation of Rs.9,39,588/-. It appears that in the said judgment, an amount of Rs.2,29,600/- was mentioned instead of Rs.1,29,588/- under the head “Medical Expenses”. Seeking to correct the award amount, in respect of medical expenses, the



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insurer filed an application in I.A. No. 1726 of 2011 before the Motor Accident Claims Tribunal.

4. Considering the fact that notice given to other side and they endorsed no objection, the I.A. No. 1726 of 2011 was placed before the claims tribunal and it has noticed that by mistake, the amount of Rs.2,29,600/- was mentioned towards medical expenses instead of Rs.1,29,588/-. The tribunal decided to correct the same and accordingly, the award amount also modified to Rs.9,79,600/- instead of Rs.10,79,600/- by its order dated 30.09.2011 in I.A. No. 1726 of 2011. Aggrieved by the same, the present Civil Revision Petition has been filed.

5. Learned counsel for the petitioner submits that without giving any opportunity to the petitioners, the Motor Accident Claims Tribunal modified the amount awarded under the head medical expenses which is impermissible under law.



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6. But on perusal of the order dated 30.09.2011, passed by the Tribunal in I.A. No. 1726 of 2011, it appears that notice was given to the respondents therein who are the petitioners herein and they made endorsement of no objection. Considering the same only, the tribunal passed such order. Once, the petitioners endorsed their no objection, now in this civil revision petition, they cannot be permitted to raise a ground that they were not put on notice.

7. Beside this, the learned counsel appearing for the second and third respondents, has placed a copy of the judgment of this Court dated 25.09.2020 in C.M.A. No. 2820 of 2014. On perusal of the same, it appears that against the decree and judgment in M.C.O.P. No. 724 of 2006, the insurance company preferred appeal before this Court and the said appeal was dismissed by confirming the judgment of the claims tribunal. While dismissing the appeal, this Court has considered the amounts awarded under different heads. While considering the amount of Rs.1,29,500/- awarded towards medical expenses, this Court opined that the said amount is supported by medical bills.



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8. In view of the same, it appears that the order passed by the Motor Accident Claims Tribunal in I.A. No. 1726 of 2011 is only correcting the amount to be awarded under the head medical expenses which are supported by the medical bills.

9. As such, in the considered opinion of this Court, there is no any illegality or infirmity in the order passed by the accident claims tribunal in I.A. No.1726 of 2011.

10. Accordingly, this Civil Revision Petition is dismissed.

11. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes / No

Neutral Citation : Yes / No

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BATTU DEVANAND, J.

AT

To
The Additional District and Sessions Court, Tirupur.

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