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REV.APLC.(MD)No.80 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLC.(MD)No.80 of 2022 in
C.M.A.(MD)No.1370 of 2015

K.Paneer Selvam

... Petitioner/1st Respondent

Vs.

1. National Insurance Co.Ltd.,
Through its Divisional Manager,
No.3, North Veli Street,
Madurai.

... 1st Respondent / Appellant

2. Sevuga Rathinam(died)
(R-2 was set ex-parte in the trial Court.
Hence given up)

... Respondent/Respondent

PRAYER : Review Petition filed under Order 47 Rule 1 r/w. Section 114 of CPC., to allow this review application and the order passed in C.M.A.(MD)No.1370 of 2015 dated 06.11.2017 and award higher compensation.

For Review applicant: Mr.M.Boopathi Pandiyan

For R-1 : Mrs.P.Malini



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JUDGMENT

Heard the learned counsel on either side.

2. The review applicant had met with an accident and suffered head injury. Seeking compensation, he filed M.C.O.P.No.1673 of 2007 on the file of the Motor Accident Claims Tribunal, Madurai. The Tribunal adopted the multiplier method and awarded a sum of Rs.4,39,226/-. Challenging the same, the insurance company filed C.M.A.(MD)No.1370 of 2015. After noticing that the evidence on record does not indicate that the claimant had suffered functional disability, I held that the Tribunal had erred in adopting the multiplier method. The compensation awarded by the Tribunal was reworked and a sum of Rs.3,25,000/- was awarded. Aggrieved by the reduction in the quantum of compensation, this review application has been filed.

3. After hearing the learned counsel on either side at length, I am satisfied that the order dated 06.11.2017 passed in C.M.A.(MD)No.1370 of 2015 does not suffer any error apparent on the face of record. The



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review application cannot be argued like an appeal in disguise. This
review application stands dismissed. No costs.

28.08.2024

Index : yes/No
Internet: Yes/No
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G.R.SWAMINATHAN,J.

PMU

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C.M.A.(MD)No.1370 of 2015

28.08.2024