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CMP NO. 8164 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-07-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMP NO. 8164 of 2023

in

CMA.No.3483 of 2011

COLBERT

S/o.Sivalingam, No.8, ESI Quarters, Gorimedu,
Pondicherry, presently residing at No.80, 4th
Cross Street, 2nd Main Road, Dr.M.G.R.Nagar,
Mulikulam, Puducherry

Appellant(s)

Vs

R.Selvam

S/o.Ramasamy, Kotamariamman Koil Street,
Dharmapuram Road, Tirupur, Coimbatore District
presently at No.6, Sikana Chettiyar School Street,
Uthukuli Road, Tiruppur 7 and another

Respondent(s)

For Appellant(s):

MR.K. SASINDRAN
FOR M/S.Achari and Antony Associates

For Respondent(s):

Mr.C.R.Krishnamoorthy For R2
R1 - No Residence

ORDER

The learned counsel for the appellant prays for a modification of paragraph No.10 of the judgment dated 28.01.2019, passed in CMA.No.3483 of 2011.

2. Heard Mr.K. Sasindran, for M/S.Achari and Antony Associates,



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learned counsel for the appellant, and Mr. C.R.Krishnamoorthy, learned counsel appearing for the second respondent, and perused the materials available on record.

3. The learned counsel for the appellant pointed out that in paragraph no.8 of the Judgement dated 28.01.2019, this Court had held that both the owner and the insurance company are jointly and severally liable to pay compensation to the appellant / claimant. However, in the concluding portion i.e., paragraph No.10, the Court has mistakenly directed the owner alone to deposit the entire compensation amount, without taking in to account the joint liability of the insurance company. Therefore, he seeks a modification of the said paragraph.

4. The learned counsel for respondent raised an objection to the said prayer.

5. However, on a perusal of paragraph No.8, it is evident that this Court has already concluded that both the owner and the insurance company are jointly and severally liable to pay compensation. Hence, paragraph No.10 is directed to be modified accordingly. Both the owner and the insurance company are jointly and severally liable to pay the compensation



amount, which shall be deposited within a period of eight weeks from the

WEB COPY date of receipt of a copy of this order.

11.07.2025

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Copy to:

- 1.The Motor Accidents Claims Tribunal, II Additional District Court, Puducherry.
- 2.The Section Officer, VR Section, High Court of Madras, Chennai.

T.V.THAMILSELVI, J.



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