



CMA No.7 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

C.M.A.No.7 of 2025
and CMP.No.27 of 2025

Radhakrishnan
S/o.Govindhan

... Appellant

Vs.

1.Pazhanimuthu
S/o.Marimuthu

2.Sadachi
W/o.Pazhanimuthu

3.Anbu
S/O.Pazhanimuthu

4.ICICI Lombard Insurance Company Ltd.,
Nungambakkam High Road, Chennai.

... Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, praying to set aside the judgement and decree dated 11.03.2024 in MCOP.NO.344 of 2020 on the file of the Motor Accidents Claims Tribunal (Additional District Judge), Kallakurichi.

For Appellant : Mr.R.Nalliyappan
For R1 to R3 : Mr.Aravind Pandian
For R4 : Mr.B.Siva Kollappan

ORDER



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Today, the matter is listed under the caption "for being mentioned",
at the instance of the learned counsel for the appellant.

2.It is brought to the notice of this Court that some error has been crept in paragraph Nos.6 and 12 of the Order dated 26.06.2025. The said paragraph Nos.6 and 12 is replaced as follows:

"6. As per the evidence of the RTO, the vehicle was a light goods vehicle. It is also admitted that on the date of the accident, the vehicle was engaged in laying cables and goods relating to the same were being carried. The deceased, who died in the accident, was also engaged in carrying out the said work and was travelling as a representative of the goods. This fact is established, but the Tribunal failed to properly appreciate it. Therefore, fixing the entire liability upon the appellant/owner is unsustainable, and to that extent, the Tribunal's findings require interference.

12. In the result:

i. The Civil Miscellaneous Appeal is partly allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

ii. The compensation awarded by the Tribunal is enhanced from Rs. 16,17,000/- to Rs.25,24,200/-.

iii. The claimants / Respondents 1 to 3 are directed to pay the court fee for the enhanced compensation amount, if any. The Registry is directed to draft the decree



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only after receipt of the court fee.

*iv. **The fourth respondent** is directed to deposit the enhanced compensation amount of Rs.25,24,200/- (after deducting the amount already deposited), together with interest at the rate of 7.5% per annum from the date of the claim petition till the date of deposit, to the credit of M.C.O.P. No. 344 of 2020 on the file of the Motor Accidents Claims Tribunal, Additional District Judge, Kallakurichi, within a period of eight weeks from the date of receipt or uploading of a copy of this order.*

v. On such deposit being made by the appellant, the claimants are at liberty to withdraw the same, as per the apportionment made by the Tribunal, after following due process of law.

3. Registry is directed to make out the necessary correction in the order copy and issue fresh order copy to the parties forthwith.

4. In other respects, the order dated **26.06.2025** shall remain unaltered.

25.08.2025

Index:Yes/No
Speaking/non Speaking order
Neutral Case citation: yes/no
smn

T.V.THAMILSELVI, J.

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