



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Civil Appellate Jurisdiction)

WEB COPY

Monday, the Seventeenth day of February Two Thousand Twenty Five

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

AND

The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD) No.6143 of 2024
in

CMA(MD). No.395 of 2021

1 Viyakula Saveri

P.Amalor Bhava Jeyamari (Died)

2 Antony Maragatham

3 P.Francis Ganagamani

4 P.Mary Dias Kriubakaram

5 P.Joys Packiyavathi @ Packiyalakshmi

6 P.Jeyanthi

7 P.Jeyaprabakaran

...Petitioners/ Respondents 1 to 7
/ Claimants

-VS-



NATIONAL INSURANCE COMPANY LIMITED,
D.No.5A, Sub Collector Office Road,
Opp.to District Court Building,
Dindigul.

... Respondent No.1/ Appellant
/ 3rd Respondent

2. J.Vinoth Kumar

3. R.Prabakaran

...Respondents No.2 & 3/
Respondents 8&9 / Respondents 1&2

Prayer CMP(MD) No.6143 of 2024:-

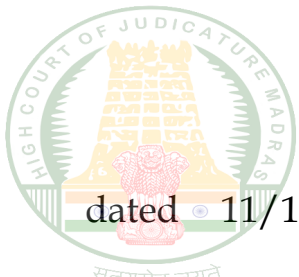
Civil Miscellaneous Petition filed under section 152 of CPC, praying to amend the judgment and decree in CMA(MD) No.395 of 2021 on the file of this Honourable Court, dated 11.12.2023 in so far as it relates to the apportionment of the award amount as detailed in this petition.

Prayer in CMA(MD). No.395 of 2021:

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 preferred against the judgment and decree dated 07.02.2020, made in M.C.O.P.No.182 of 2015, on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Theni.

Order:

This Civil Miscellaneous petition came before this court on today for orders and upon perusing the grounds of Appeal, the order of the Tribunal and the material papers to the Appeal and and earlier Judgment and Decree of this Court



dated 11/12/2023 and upon hearing the arguments of Mr.S.ANAND CHANDRASEKAR, ADVOCATE FOR M/S. SARVABHAUMAN ASSOCIATES, for the Petitioners and this Court made the following order.

This application has been filed seeking amendment of judgment and decree of this court dated 11.12.2023 in CMA (MD) No.395 of 2021 in so far as the portion relating to the apportionment of the award amount.

2. It is now brought to the notice of this court that the claimant / mother was the only surviving Class I legal heir of the deceased who died as a bachelor. However, while passing orders, at para 17 of the judgment of this court dated 11.12.2023, by inadvertence, it has been mentioned that withdrawal of the compensation would be after filing of appropriate application before the Tribunal and that the share amount would be apportioned as per the judgment of the Tribunal.

3. However, since the 1st petitioner / mother of the deceased is the only Class I legal heir and even before the Tribunal, there was no award passed in favour of the petitioners 2 to 7, the question of apportionment does not arise and hence the mother of the deceased by name Viyakula Saveri alone is entitled for withdrawal of the compensation awarded by the Tribunal, alongwith interest and cost, less the amount already withdrawn, if any.



WEB COPY

4. This petition is ordered accordingly.

5. Registry is directed to issue fresh order copy after carrying out the above mentioned amendment. The other contents of the judgment of this Court dated 11.12.2023 shall remain unaltered.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/02/2025

Sub Assistant Registrar
(CS- I/ II / III / IV)

TO

The Chief Judicial Magistrate/
Motor Accident Claims Tribunal,
Theni.

Copy to:

The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court, Madurai - 2 Copies

+2 CC to M/s.SARBHAUMAN ASSOCIATES, Advocate (SR-10313 & 10314 dated 17/2/2025)



WEB COPY



Order Dated: 17/02/2025

ORDER

CMP(MD) No.6143 of 2024
in

CMA(MD). No.395 of 2021

Allowing this Civil Miscellaneous
petition by giving direction etc.,
as stated within.

MGJ(20.02.2025) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023