



REV. APLC. (MD)No.109 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 17.07.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

REV. APLC. (MD)No.109 of 2025

Amko Jemford

... Review Applicant

Vs.

1.Prakash Chandran

2.The Branch Manager,

ICICI Lombard General Insurance Company Ltd.,

2nd and 3rd Floor, Nungambakkam High Road,

Chottbai Centre,

Chennai – 34.

... Respondents

PRAYER : Review Application filed under Order 47 Rule 1 and 2
r/w. Section 114 of the Civil Procedure Code, against the Order dated
30.04.2025 passed in C.M.P(MD)No.7386 of 2025 in C.M.A(MD)SR.



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No.28055 of 2025 on the file of this Court.

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For Review Applicant : Mr.A.Haja Mohideen

For Respondents : ----

ORDER

(Order of this Court was made by **R.POORNIMA, J.**)

This review application has been filed as against the order passed in C.M.P(MD)No.7386 of 2025 in C.M.A(MD)SR.No.28055 of 2025 dated 30.04.2025, by the review applicant / petitioner/appellant on the following among other grounds :

(i) The observation of this court that the petitioner was granted compensation of Rs.22 lakhs has to be reviewed, as in the judgement dated 03.10.2020 rendered in the trial Court in MCOP.No.11 of 2021 in Paragraph No.19 inner Page 14 Type Set Page No.41 it has clearly stated that even though the compensation of Rs.22,88,802/- was fixed, a deduction of 70% on the petitioner towards contributive negligence and he is entitled to only 30% of compensation which comes to Rs.6,86,641/- only. So the observations of this Court that he was granted compensation of Rs.22,00,000/- has to be reviewed. The



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petitioner has produced Bills Exs.P9 to Exs.P21 to the tune of Rs.20,98,802/- which was already spent by the petitioner by borrowing from his relatives and friends for Interest, he was put to great financial burden and prayed to review the order.

2. The learned counsel for the petitioner relying upon the judgement reported in "*Inderchand Jain (D) through LRs v. Motilal (D) through Lrs*". that "...Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even by advocate -Review may be necessitated by way of invoking doctrine '*actus curiae neminem gravabit*' reported in **2009 (5) CTC 365** and another judgement rendered in "*Board of Control for Cricket in India and another v. Netaji Cricket Club and other*" reported in **2005(4) SCC 741** and contended that the above judgment is squarely applicable to the present review application,as the review petitioner shown sufficient cause to seek a review of the order by way of invoking the Doctrine of "*actus curiae neminem gravabit*". He therefore, prays that the Order of the this Court in C.M.P.(MD).No.7386 of 2025 in C.M.A.(MD)S.R.No.28055 of 2025 dated 30.04.2025 contains an error apparent on the face of the record and hence, it is liable to be



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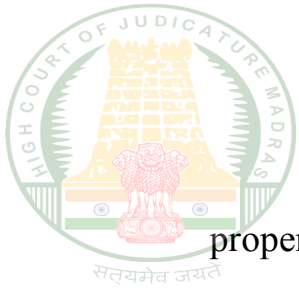
prays to reviewed.

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3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the Order of the Motor Accident Claims Tribunal dated 27.06.2024, it is seen that the tribunal awarded a compensation to the tune of Rs.22,88,802/-. However, the contributory negligence on the part of the deceased person was fixed at 70%, and after deducting the said amount, only 30% compensation was awarded to the petitioner, which is arrived at Rs.6,86,641/-. However this Court held that the petitioner had been granted compensation of Rs.22 lakhs and directed to pay the Court fee of Rs.42,407/-. The petitioner shows sufficient case to review of the order. Hence the Review Petition is liable to be allowed.

5. Considering the facts and circumstances of the case, it is evident that the petitioner was awarded only a portion of total claim amount despite asserting that he had incurred substantial medical expenses by borrowing loan from others and he was unable to work



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properly due to the accident. In view of the petitioner's distressed financial condition, is granted exemption from payment of court fee, and the Registry is directed to number the Civil Miscellaneous Appeal.

6. Accordingly, this Review Application is allowed and the order passed by this Court, dated 30.04.2025 in C.M.P(MD)No.7386 of 2025 in C.M.A(MD)SR.No.28055 of 2025 stands set aside and the Civil Miscellaneous Petition stands allowed. The petitioner is exempted to pay the Court fee. The Registry is directed to number the Civil Miscellaneous Appeal and list it for admission in usual course. No costs.

(G.J., J.) & (R.P., J.)
17.07.2025

Index : Yes / No
NCC : Yes / No

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R.POORNIMA, J.

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