



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(NPD)(MD)No.1748 of 2025

and

C.M.P(MD)No.9463 of 2025

M/s. Shriram General Insurance Company,
Represented by its Branch Head,
No.30, Hakkim Ajmal Khan Road,
Chinna Chokikulam, Madurai.

... Petitioner

Vs

1.Maheswari

2.Minor Kishorekumar

3.Minor Jeyakumar

4.Rathi

... Respondents

[Minor Respondents 2 &3 are represented by their mother&natural guardian the
1st respondent herein.]

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil
Procedure Code, against the order made in E.P.No.202 of 2024 in M.C.O.P.No.
42 of 2013 dated 04.06.2025 on the file of the IV-Additional District Judge,
Madurai.

For Petitioner : Mr.N.Shyllappakalyan

For Respondents : Mr.K.Ravi for R1 to R3

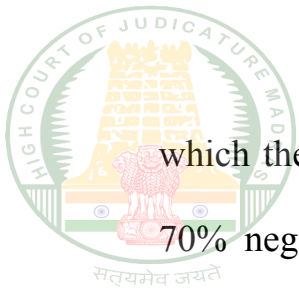


ORDER

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This revision petition has been filed challenging the order made in E.P.No.202 of 2024 in M.C.O.P.No.42 of 2013 dated 04.06.2025 on the file of the Additional District Judge, Madurai.

2. The learned counsel for the petitioner would submit that the petitioner is the Insurance Company of the Lorry bearing registration No.TN58M 2662. Aggrieved by the compensation fixed by the trial Court in the E.P proceedings, they have approached this Court. The learned counsel for the petitioner would submit that on 05.04.2012 the deceased Jeyaraman was returning to his native Tiruchendur from Arakkonam along with his minor son, namely, Jeyakumar, in the Ambassador car bearing registration No.TN09 H 1329 owned by one Nagalakshmi. The said vehicle was driven by one Ramakrishnan who is a relative of the said Nagalakshmi and the claimants are also her relatives. The driver of the car Ramakrishnan dashed against the parked lorry insured with the appellant insurance company and thereby the deceased lost his life and the deceased and minor son (injured person) filed MCOP.No.42 of 2013 before the trial Court and the trial Court while passing award of compensation of Rs. 16,79,000/-, has fixed 30% negligence on the part of the driver of the lorry which is insured with the Shriram General Insurance Company/revision petitioner herein and 70% negligence on the part of the driver of the car in

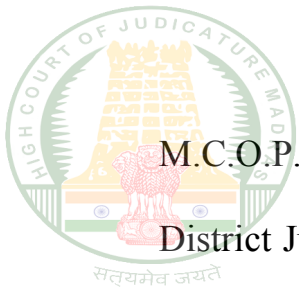


which the deceased was travelled as a passenger. Aggrieved by the fixation of 70% negligence on the part of the driver of the car, the insurer of the car, namely United Insurance Company filed an appeal before this Court in CMA(MD).No.618 of 2017 and this Court by its order dated 23.07.2024 restricted the liability of the United India Insurance Company to Rs.1,00,000/- (Rupees one lakh only) and directed the parties to work out the remedy before the trial Court in the EP proceedings.

3. The learned counsel for the petitioner insurance company would further submit that the execution Court, contrary to the earlier award, directed the revision petitioner/insurance company to pay the amount of Rs.15,79,000/-, less the amount of Rs.1,00,000/- from the total award amount of Rs.16,79,000/-. Challenging the same the present revision petition has been filed.

4.Learned counsel for the respondents would submit that this Court may set aside the order made in the execution petition and remand the matter back to the trial Court and the trial Court may be directed to decide the negligence aspect once again by adducing the fresh evidence by the parties and to pass appropriate orders.

5.Considering the same, the order made in E.P.No.202 of 2024 in



M.C.O.P.No.42 of 2013 dated 04.06.2025 on the file of the IV-Additional District Judge, Madurai is set aside and the matter is remanded back to the trial Court. The trial Court is directed to decide the negligence aspect by allowing the parties to examine evidence afresh only in respect of fixing negligence as per the observations made by this Court vide order dated 23.07.2024 in CMA(MD)No.618 of 2017.

6. Accordingly, this civil revision petition is allowed strictly in terms of order passed in C.M.A(MD).No.618 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

08.07.2025

Internet: Yes/No

Index: Yes/No

NCC: Yes/

PJL

To

1. The IV-Additional District Judge, Madurai.

2. The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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