



CMA(MD)Nos.1029, 1030, 1068 and 1124 of 2021

G.K.ILANTHIRAIYAN , J.

AND

R.POORNIMA, J.

[Order of the Court was made by R.POORNIMA, J.]

Though these CMAs were disposed of by this Court on 04/12/2025, at the instance of the learned Counsel for the appellant, this matter is listed today under the caption 'For Being Mentioned'.

2.The learned counsel for the appellant Transport Corporation submits that this Court in its judgment, dated 04/12/2025 has fastened 35% liability on the driver of the Car (deceased), insured with the 2nd respondent Insurance Company and accordingly, reduced the compensation in respect of CMA(MD)No.1124 of 2021 filed by the LR.s of the deceased Sivaram and therefore, the same analogy is to be applied in respect of CMA(MD)Nos.1029, 1030 and 1068 of 2021, the inmates of the Car, since the policy of Maruthi Car is alive at the time of accident and therefore, the 2nd respondent Oriental Insurance Company may be directed to pay 35% of the liability to the inmates of the Car namely claimants in MCOP Nos.44, 45 and 47 of 2019 (CMA(MD)Nos.1029, 1030 and 1068 of 2021).

3.Considering the above submission of the learned counsel for the appellant and also perusing the common judgement, dated 04/12/2025 passed by this Court, this Court finds merit in the submission of the learned counsel for the appellant Transport Corporation and accordingly,



this Court fastens 35% liability on the 2nd respondent Insurance Company in respect of CMA(MD)Nos.1029, 1030 and 1068 of 2021. Accordingly, the words found in the last line of para '22' of the common judgment '**not for other inmates, who are innocent passengers**' shall stand deleted. Accordingly, the Registry is directed to incorporate the line at the end of para 23 of the common judgment passed by this Court, dated 04/12/2025 as follows:-

Since, this Court fixed 35% liability on the part of the deceased who drove the Maruthi Car, insured with the second respondent Insurance Company, the second respondent Insurance Company is directed to pay 35% of the liability amount to the claimants in respect of MCOP Nos.44, 45 and 47 (CMA(MD)Nos.1029, 1030 and 1068 of 2021).

4.Further, the Registry is also directed to incorporate the words '**partly allowed**', instead of '**Dismissed**' in para 27 of the common judgment and issue fresh order copy.

[G.K.I., J.] & [R.P., J.]
20.02.2026



WEB COPY



G.K.ILANTHIRAIYAN , J.
AND
R.POORNIMA, J.

er

CMA(MD)Nos.1029, 1030, 1068 and 1124 of 2021

20.02.2026



WEB COPY

