



C.M.P(MD).No.2904 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2026

CORAM:

**THE HON'BLE MR JUSTICE N.ANAND VENKATESH
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

**C.M.P(MD).No.2904 of 2026
in
CMA (MD) No.495 of 2020**

The Branch Manager,
Bajaj Allianz General Insurance Company Limited,
Legal Office,
184/25, KPS Shopping Arcade,
Bye Pass Road,
Madurai. ... Petitioner / Appellant

Vs.

1.K.Sudhakaran
2.K.S.Janar
3.S.P.Pratheeya
4.AR.Tirupathi
5.The Manager,
The New India Assurance Company Ltd.,
No.3, Main Road,
Dindigul. ... Respondents / Respondents

PRAYER:- Civil Miscellaneous Petition filed under Section 151 of the Criminal Procedure Code, to modify the orders passed in paragraph no.



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17 by incorporating the relevant facts of the case in M.C.O.P.No.949 of 2018 made under the C.M.A.(MD).No.495 of 2020 of the common judgment passed in the Civil Miscellaneous Appeals in C.M.A.(MD).Nos.494 and 495 of 2020 dated 28.02.2024.

For Petitioner : M/s.K.R.Shivashankari

For R5 : Mr.G.Prabhu Rajadurai

ORDER

The present petition has been filed seeking modification of the order passed in C.M.A.No. 495 of 2020, which formed part of the common judgment rendered along with C.M.A. No. 494 of 2020, dated 28.02.2024.

2. According to the learned counsel for the appellant–Insurance Company, C.M.A. No. 495 of 2020 arose out of the judgment and award passed in M.C.O.P. No. 949 of 2018. It is submitted that, in paragraph No.17 of the common judgment in C.M.A.(MD).Nos.494 and 495 of 2020 arising out of common award, a discussion has been inadvertently crept into as though the appeal had arisen out of a different M.C.O.P. number. This discrepancy came to the knowledge of the learned counsel for the appellant only upon receipt of the certified copy of the common



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judgment.
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3. The learned counsel appearing for the respondent fairly conceded that he has no objection for allowing the present modification petition, as the error appears to be inadvertent.

4. This Court has considered the rival submissions and perused the records. Upon such consideration, it is evident that an inadvertent error had crept into the judgment during the course of discussion, particularly with regard to the reference to the M.C.O.P. Number.

5. In view of the above, this Court is inclined to allow the present petition and to rectify the said error by substituting the relevant discussion.

6. Accordingly, in paragraph nos.17, 17.1, 17.2, 17.3, 18 and 18.1 of the common judgment dated 28.02.2024 it is incorporated as follows:



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“ 17. Discussion on quantum in C.M.A.(MD).No.495 of 2020:-

*It is clarified that C.M.A.(MD). No. 495 of 2020 arises out of M.C.O.P. No. 949 of 2018. The claim petition was filed seeking compensation for the death of one Padma Kumari. The learned Tribunal, upon consideration of the evidence on record, including the age certificate and post-mortem certificate, fixed the age of the deceased at 56 years. Though it was claimed that the deceased was earning a sum of Rs.10,000/- per month by doing daily work, in the absence of documentary proof, the Tribunal fixed the notional monthly income at Rs.2,000/-. After adding appropriate future prospects, the annual income was computed and, after deduction towards personal expenses, the multiplicand was determined. Applying the multiplier '9', in accordance with the principles laid down in **Smt.Sarala Verma and others vs. Delhi Transport Corporation and another** reported in **2009(2) TN MAC 1 (SC)**, the Tribunal awarded a total compensation of Rs.2,88, 400/- under various heads.*



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17.1. Calculation of the amount:

Sl.No.	Heads	Amount awarded by the Tribunal (in Rupees)
1	Loss of dependency	1,58,400/-
2	Loss of Estate	15,000/-
3	Loss of consortium	40,000/-
4	Loss of love and affection	50,000/-
5	Funeral expenses	15,000/-
6	Transport Expenses	10,000/-
Total		2,88,400/-

17.2. Upon re-appreciation of the entire evidence, this Court finds no infirmity or illegality in the award passed by the Tribunal warranting interference. The compensation awarded is just and reasonable. Accordingly, the Civil Miscellaneous Appeal (MD). No.495 of 2020 is liable to be dismissed.”

17.3. Accordingly, these Civil Miscellaneous Appeals are dismissed. The compensation awarded in M.C.O.P.Nos.1088 of 2012 and 949 of 2018, on the file of the Motor Accident Claims Tribunal cum Principal District Judge, Dindigul dated 19.10.2019 is hereby



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confirmed. No costs. Consequently, connected miscellaneous petitions are closed.”

7. Registry is directed to issue a fresh copy of the order after incorporating the corrected discussion in the common judgment made in C.M.A.(MD).Nos.494 and 495 of 2020 dated 28.02.2024, by substituting the revised reasoning as indicated above.

[N.A.V., J.] [K.K.R.K., J.]
25.03.2026

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To

- 1.The Motor Accident Claims Tribunal cum Principal District Judge,
Dindigul.
- 2.The Record Keeper (Vernacular Records),
Madurai Bench of Madras High Court,
Madurai.



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