



W.P.(MD)No.27068 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**CMP (MD) No.14008 of 2025 in
CRP (MD) No.1748 of 2025**

1. Maheswari
2. Minor Kishorekumar
3. Minor Jeyakumar
(Minors rep. By their Mother and
natural guardian - 1st petitioner herein)
4. Rathi

..Petitioners

Vs

M/s Shriram General Insurance Company
rep. By its Branch Head,
No.30, Hakkim Ajmal Khan Road,
Chinna Chokkikulam,
Madurai

..Respondent

Prayer:

Civil Miscellaneous Petition filed under Section 151 of C.P.C.,
to modify the observation made in Paragraph No.4 of the order dated
08.07.2025 passed by this Court in CRP (NPD) (MD) No.1748 of 2025
by deleting the observations that the 'the learned counsel for respondents
would submit that this Court may set aside the order' and incorporate



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suitable findings.

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For Petitioners: : Mr.K.Ravi
For Respondent: : Mr.N.Shyllappakalyan

ORDER

This Civil Miscellaneous Petition has been filed to modify the observation made in Paragraph No.4 of the order dated 08.07.2025 passed by this Court in CRP (NPD) (MD) No.1748 of 2025 by deleting the observations that the ‘the learned counsel for the respondents would submit that this Court may set aside the order’ and incorporate suitable findings.

2. Heard the learned counsels on either side.

3. Considering the submissions of the learned counsel for the petitioner, the paragraphs 4 and 5 of the order passed in CRP (MD) No. 1748 of 2025 dated 08.07.2025 is modified to the following effect:

“4. The learned counsel for the respondents would submit that on perusal of the award, it is seen that the award did not disclose any



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discussions with regard to the negligence aspect as raised by the respondent Corporation and hence, he prayed to pass appropriate orders.

5. Perusal of the entire award of the trial Court reveals that there was no findings with regard to negligence aspect and also that the quantum of compensation has been calculated mechanically and passed the award to the tune of Rs.15,79,000/-. In view of the non discussions of the issues in regard to negligence aspects and arrival of quantum of compensation in a mechanical manner, the award passed by the trial Court, is hereby set aside. Consequently, the matter is remanded back to the trial Court for a fresh consideration. The trial Court is directed to hear both the parties and adduce evidence and shall discuss the case and pass the award on merits and in accordance with law.”

4. With the aforesaid modifications, the Civil Miscellaneous Petition is ordered accordingly.

06.01.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP

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To

1. The Branch Head,
M/s Shriram General Insurance Company,
No.30, Hakkim Ajmal Khan Road,
Chinna Chokkikulam,
Madurai.



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M.DHANDAPANI, J.

DP

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CRP (MD) No.1748 of 2025**

06.01.2026