



C.M.A.No.1488 of 2022

V.M.VELUMANI, J.

and

SUNDER MOHAN, J.

[Judgment of the Court was delivered by V.M.VELUMANI,J.]

At the instance of the learned counsel appearing for the respondents 3 and 4, this case is posted today under the caption 'For Being mentioned'.

2. Mr.B.Sudhir Kumar, learned counsel appearing for the respondents 3 and 4 submitted that in para 15 of the judgment of this court dated 10.10.2022, instead of giving permission to the respondents 1, 3 and 4 to withdraw their respective share of the award amount, the respondents 1, 4 and 5 were wrongly permitted to withdraw the award amount and thus sought for rectifying the same.

3. Heard the learned counsel appearing for the appellant as well as the respondents 3 & 4 and perused the materials available on record.

4. In view of the above, para 15 of the judgment of this court dated



10.10.2022 shall read as follows:

WEB COPY

*“15. In the result, the appeal is partly allowed and the amount awarded by the Tribunal at Rs.42,67,000/- is modified and reduced to Rs.23,63,500/- together with interest at the rate of 7.5% per annum from the date of petition till the date of deposit. The appellant-Insurance Company is directed to deposit the award amount now determined by this Court, along with interest and costs, less the amount already deposited, if any, within a period of six weeks from the date of receipt of a copy of this judgment, to the credit of M.C.O.P. No.2359 of 2014. On such deposit, the **respondents 1, 3 and 4** are permitted to withdraw their share of the award amount, now determined by this Court, along with proportionate interest and costs, as per the ratio of apportionment fixed by the Tribunal, after adjusting the amount, if any, already withdrawn, by filing necessary applications before the Tribunal. The share of the minor 2nd respondent is directed to be deposited in any one of the Nationalized Bank, till the minor attains majority. The 1st respondent, mother of the minor 2nd respondent is permitted to withdraw the accrued interest, once in three months for the welfare of the minor 2nd respondent. The appellant-Insurance Company is permitted to withdraw the excess amount, lying in the credit of M.C.O.P. No.2359 of 2014, if*



WEB COPY

C.M.A.No.1488 of 2022



the entire award amount has already been deposited by them. It is made clear that if the respondents 1 to 4 have already withdrawn the entire award amount, the appellant/Insurance Company is not entitled to recover the same from the respondents 1 to 4. Consequently, connected Miscellaneous Petition is closed. No costs.”

5. Registry is directed to issue fresh order copy after carrying out the above corrections.

6. The other contents of the judgment of this court dated 10.10.2022 shall remain unaltered.

(V.M.V., J) (S.M., J)
08.11.2022

(gsa)

Note : Issue order copy today (08.11.2022)



WEB COPY



C.M.A.No.1488 of 2022

**V.M.VELUMANI, J.
and
SUNDER MOHAN, J.**

(gsa)

C.M.A.No.1488 of 2022

08.11.2022