

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P.(PD) Nos. 153 & 154 of 2015

Chottima	...	Petitioner in CRP 153 of 2015
A.Jayaraman	..	Petitioner in CRP 154 of 2015
	Vs.	

1. S.Kirubakaran	
2. The Divisional Manager, United India Insurance Company Vellore.	... Respondents in both CRPs

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India against the order of dismissal in I.A.Nos.492 & 493 of 2013 in M.C.O.P.No.1 of 2010 dated 19.11.2013 passed by the Learned 1st Additional District and Sessions Judge, Vellore, Vellore District.

For Petitioners in both CRPs	:	Mr. M.V.Muralidaran
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C O M M O N O R D E R

The petitioners are the claimants in M.C.O.P.No.1 of 2010 on the file of the Motor Accidents Claims Tribunal, (1st Additional District and Sessions Judge,) Vellore.

2. The petitioners are the parents of the deceased Mohana @ Sairabanu. After contest, the tribunal has passed an award of Rs.4,57,000/- along with interest at 7.5% per annum. The respondents did not challenge the award and therefore, it has reached finality.

3. The petitioners filed I.A.Nos.492 and 493 of 2013 seeking direction of the Court to withdraw the award amount. The respondents made an endorsement stating that they have no objection. However, the tribunal partly allowed the application permitting the claimants to withdraw 30% of the award amount. Challenging the order, the present civil revision petition is filed.

4. Mr.M.V.Muralidaran, learned counsel for the petitioners submitted that the petitioners have produced Ex.P1 Sale agreement to show that they are intending to purchase the immovable property from and out of the award amount. Hence, the tribunal ought to have accepted the sale agreement and permitted the petitioners to withdraw the entire award amount.

5. It is not in dispute that the award passed in M.C.O.P.No.1 of 2010 dated 09.11.2012 has become final. The petitioners have contended that they lost the only breadwinner of the family in the accident. The petitioners have also produced the sale agreement to show that they have entered into an

agreement to purchase the immovable property but the tribunal without considering the facts, permitted the petitioners to withdraw only 30% of the award amount.

Considering the above facts, this Court is of the view that the petitioners are entitled to withdraw their entire award amount with accrued interest thereon. In fine, the civil revision petitions are allowed. No costs.

29.01.2015

Index : Yes/No
Internet : Yes/No
sms
To

The I Additional District Munsif Court at Kallakurichi.

K.KALYANASUNDARAM, J.

sms

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