

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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CIVIL REVISION PETITION No.4949 of 2015

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ORDER :

This Civil Revision Petition, under Section 115 of C.P.C., is filed by the petitioner/claimant No.2 aggrieved by the docket order dated 04.08.2015 in I.A.No.1255 of 2015 in O.P.No.1154 of 1996 passed by the II Additional Chief Judge, City Civil Court, Hyderabad, permitting the petitioner to withdraw only Rs.30,000/- and ordering to reinvest the balance amount of her share in a fixed deposit.

2. O.P.No.1154 of 1996 on the file of II Additional Chief Judge, City Civil Court, Hyderabad, was filed by the wife and children of the deceased – Korra Manikya, under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.4,36,500/- from the respondents therein. The said O.P. was allowed in part, by order and decree dated 30.10.1998, awarding a compensation of Rs.2,21,000/- with interest at 12% per annum, out of which, the petitioner herein, who is claimant No.2 in the said O.P., was awarded 30% and since she being a minor at that point of time, her share was directed to be invested in a fixed deposit till she attains majority.

3. On attaining majority, the petitioner herein has filed the aforesaid application in I.A.No.1255 of 2015 seeking permission to withdraw her share of compensation of Rs.95,053/- along with accrued interest and F.D. interest by recalling the Fixed Deposit from the bank concerned. In the said application, no counter affidavit is filed by the respondents therein and it was also reported no counter. However, the Court below, through the impugned docket order dated 04.08.2015, while observing that since the petitioner is a student, permitted her to withdraw only Rs.30,000/- and ordered to reinvest the balance amount in a fixed deposit. Hence, the present civil revision petition.

4 . When in the Award dated 30.10.1998 in O.P.No.1154 of 1996 itself, it was ordered to invest the compensation amount awarded to the petitioner towards her share in a fixed deposit till she attains the age of majority, there is no reason in not allowing her to withdraw her entire share of compensation along with accrued interest.

5. For the aforesaid reasons, this Civil Revision Petition is allowed, setting aside the impugned order dated 04.08.2015, and I.A.No.1255 of 2015 stands allowed, as prayed for. The petitioner is permitted to withdraw her entire share of compensation along with accrued interest thereon.

6. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

04.12.2015.

Msr

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