

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

CIVIL REVISION PETITION No.5234 of 2015

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is directed against the order dated 12.11.2015 of the learned Chairman, Motor Accidents Claims Tribunal – cum – V Additional District Judge at Kothagudem ('the Tribunal', for brevity) passed in I.A.No.404 of 2015 in M.A.T.O.P.No.709 of 2012.

I have heard the submissions of the learned counsel for the revision petitioner and I have perused the material record including the record that was called for from the Tribunal.

The facts of the case, which are necessary for consideration, in brief, are as follows:-

"On the death of the brother of the petitioner, she, along with other legal heirs/dependants, had filed a claim petition before the Tribunal. On merits, an award awarding compensation was passed in favour of the claimants. Out of the total compensation awarded to the claimants, a sum of Rs.1,00,000/- was awarded to the petitioner herein towards her share. As per the terms of the award, on deposit of the awarded amount with interest and costs by the second respondent Corporation (APSRTC), she is entitled to withdraw Rs.50,000/- out of her said share of amount. The petitioner, who was a minor at the time of filing of the original claim petition, had filed an application in I.A.No.286 of 2015 for declaring her as a major. The Tribunal, by orders dated 24.07.2015, had allowed the said application and declared her as a major and discharged her mother from guardianship. Later, the petitioner had filed the present I.A.No.404 of 2015 before the Tribunal for issuing a cheque for Rs.50,000/- in her favour as per the terms of the award. The learned standing counsel for the second respondent Corporation having received notice on the said application had endorsed no objection. The Court below, by the order, which is impugned, had

dismissed the said application as the signatures of the petitioner as well as the photographs, which are found on the material record of the Court, are not tallying with her signatures and photograph on her instant application filed for issuance of the cheque in her favour. Feeling aggrieved, the present revision petition is filed.”

The learned counsel for the petitioner would submit that the photographs which were filed originally are of the petitioner only and that they were taken when she was 10 years of age and that the photographs filed along with the present petition are taken recently and that the affidavit of the mother of the petitioner is also filed to prove her identity and that the learned standing counsel for the second respondent Corporation had also endorsed no objection to issue the cheque in favour of the petitioner and that though an appeal is filed and pending before this Court, as per the directions in the award and as no stay orders are granted, the petitioner is entitled to the issuance of a cheque as prayed for in her application and that the order impugned holding that the petitioner’s identity is not established is not correct, as her identity was already established and was accepted by the Tribunal while allowing I.A.No.286 of 2015, which was filed for declaring her as a major and that at that time also, the same photographs were filed along with a copy of her study certificate.

Having heard the submissions of the learned counsel for the petitioner and having perused the material record, this Court is satisfied that the revision petition can be disposed of with appropriate directions.

In the result, the revision petition is allowed and the impugned order is hereby set aside. Accordingly, I.A.No.404 of 2015 in M.A.T.O.P.No.709 of 2012 is remitted to the Tribunal for disposal afresh and passing appropriate orders on being satisfied with the identity of the petitioner and, if necessary, by directing the petitioner to produce any further documents, nonetheless, keeping in view the earlier orders of the Tribunal in I.A.No.286 of 2015 and the relevant records viz., claim petition/interlocutory petitions earlier filed along with photographs, copy of

the School Study Certificate, the affidavit of the mother of the petitioner and also the copy of her Aadhar Card. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Civil Revision Petition shall stand closed.

M.Seetharama Murti, J

30th December, 2015
Bvv