

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

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CIVIL REVISION PETITION No.3997 of 2015

ORDER:

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This civil revision petition under Article 115 of the Constitution of India is filed by the injured claimant assailing the order dated 25.08.2015 of the learned V Additional District Judge, Kothagudem passed in IA.No.439 of 2015 in MATOP.No.749 of 2013 filed by the petitioner for permission to withdraw Rs.5,00,000/- deposited to the credit of the aforesaid OP.

2 .I have heard the submissions of the learned counsel for the revision petitioner/plaintiff. I have perused the material record.

3. The learned counsel for the revision petitioner would submit the claimant had suffered permanent disability on account of amputation of his right lower limb due to the injuries sustained in the accident and that he had spent a lot of amount on his medical and other expenses and that he has to now have an artificial limb and that his children are pursuing education and to meet the said expenditure, he is in need of Rs.5,00,000/- and that the Tribunal had erroneously refused to grant permission.

4. A perusal of the order of the Court below shows that the Court below having taken note of the averment that Rs.4,00,000/- and odd was already withdrawn on 06.04.2015 and having observed that the claimant had not filed any documents to show the fee that is payable to the educational institutions of his children and that the award is of the year 03.12.2014 and by 03.12.2016 the period of deposit of two years would be over had held that the claimant is not entitled to seek permission to withdraw any further amounts.

5. Having regard to the submissions now made and the submissions in the affidavit filed in support of the petition filed before the learned District Judge and considering the fact that that the petitioner is a middle aged person of 45 years of age and that he had suffered permanent disability on account of the amputation of right lower limb and that a request is now made to release

at-least a part of the amount if not Rs.5,00,000/-, this court is satisfied that the ends of justice would be sub-served if the petitioner is permitted to withdraw 50% of the balance of compensation amount in deposit.

6. Accordingly, the Civil Revision Petition is allowed in part and the impugned order is accordingly set aside according permission to the petitioner/claimant to withdraw 50% out of the balance amount in deposit including interest. The petitioner is permitted to file an appropriate application for grant of cheque as directed in this order. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this CRP shall stand closed.

M. SEETHARAMA MURTI, J

05th October 2015

Vjl