

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Civil Revision Petition (PD) No.2411 of 2016

1. Delasikka
2. Minor Nithin
Rep. by Guardian/next friend/mother
Delasikka ... Petitioners

vs

1. The Branch Manager,
United India Insurance Co. Ltd.,
Ooty Main Road,
Mettupalayam,
Coimbatore District - 641 301.
2. Parameswari,
W/o.Balakrishnan
(second respondent impleaded as per the
suo motto Order of this in CRP (PD) No.
2411of 2016) ... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Fair and decreetal order dated 29.04.2016 on the file of the MACT/Sub Court at Sathyamangalam by allowing the present civil revision petition.

For Petitioner : Mr.MA.P.Thangavel

For Respondent : Mr.T.Ravichandran - R1

ORDER

In the interest of justice, this court impleads the fourth respondent in M.C.O.P.No.427 of 2014, who is the mother of the deceased in the case, as party, respondent No.2 in the present revision.

2. Petitioners/wife and minor son of the deceased have filed M.C.O.P.No.427 of 2014 before the Motor Accident Tribunal, Sathyamangalam seeking compensation owing to the death of the husband of first petitioner. The present second respondent and father of the deceased were impleaded as respondents 5 and 4 in M.C.O.P.No.427 of 2014. On 25.03.2016, a joint memo of compromise was filed wherein the first respondent herein was required to effect payment of Rs.9,50,000/- in full quit. Pursuant thereto, apportionment between the petitioners was made directing the payment of Rs.7,50,000/- to the first petitioner and Rs.2,50,000/- to the second petitioner. The first respondent herein has moved I.A.No.527 in M.C.O.P.427 of 2014 informing that the original respondents 4 and 5, parents of the deceased be apportioned their share of compensation. Under Order dated 29.04.2016, the Tribunal apportioned Rs.9,50,000/- to the petitioners as also to parents of the deceased in sums of Rs.2,37,599/- each. The share of the minor was required to be kept in court deposit till he attains majority and first petitioner was

permitted to withdraw the interest once in three months towards meeting the needs of the second petitioner. Aggrieved, the petitioners who are claimants, have moved the present revision.

3. Heard the learned counsel for the petitioner and learned counsel for respondent.

4. Considering the attendant circumstances and in the interest of justice, this court is of the view that it would be appropriate to effect apportionment the sum of Rs.9,50,000/- to class-I heirs under the Hindu Succession Act, Accordingly, this court directs as follows :

first petitioner 1/3 share : Rs.3,16,666/-

second petitioner 1/3 share : Rs.3,16,666/-

second respondent 1/3 share : Rs.3,16,666/-

The first petitioner and second respondent are entitled to withdraw the sums payable to them. As regards the share of the second petitioner, the same has to be kept in court deposit till the second petitioner attains majority and the interest on the said amount may be withdrawn by the first petitioner once in three months to meet the needs of the second petitioner. In passing the above

order, we are conscious that we are undoing the right bestowed by the court below on the father of the deceased without putting him on notice. We do not considered it improper to do so, since we only are following the mandate of law under the Hindu Succession Act. The first respondent shall deposit the sum of Rs.9,50,000/- payable by it, if not deposited till date, before the Motor Accident Tribunal within a period of two weeks from today.

5. The Civil Revision Petition is disposed of with the above direction. No costs.

30.08.2016

Index:yes/no
Internet:yes

To
The Subordinate Judge,
Sathyamangalam.

C.T.SELVAM, J

vrc

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