

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-11-2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)Nos.2496 and 2497 of 2016

G. Murali ... Petitioner in CRP(NPD)No.2496/2016

G. Viji ... Petitioner in CRP(NPD) No.2497/2016

vs

United India Insurance Company,
No.366/72, 19th Main Road,
1st Block, Rajaji Nagar,
Bangalore – 560 010

... Respondents in both the Revisions

Civil Revision Petitions filed under Article 227 of the Constitution of India against the docket order dated 21.12.2015 made in I.A.Nos.1282 and 1283 of 2015 in MCOP No.1895 of 2014 on the file of Motor Accidents Claims Tribunal, Special District Court, Dharmapuri.

For Petitioners : Mr.D. Ramesh Kumar

For respondent : Mr.S. Arun Kumar

COMMON ORDER

Heard Mr.D. Ramesh Kumar, learned counsel for the petitioner and Mr.S. Arun Kumar, learned counsel for the respondent Insurance Company.

2. The fourth claimant in M.C.O.P.No.1895 of 2014 has filed the Civil Revision Petition in CRP (NPD) No.2496 of 2016, challenging the order passed in I.A.No.1282 of 2015 in MCOP No.1895 of 2014 on the file of Motor Accident Claims Tribunal, Special District Court, Dharmapuri.

3. The fifth claimant in M.C.O.P.No.1895 of 2014 has filed the Civil Revision Petition in CRP (NPD) No.2497 of 2016, challenging the order passed in I.A.No.1283 of 2015 in M.C.O.P.No.1895 of 2014 on the file of Motor Accident Claims Tribunal, Special District Court, Dharmapuri.

4. Since the issues involved in both the Civil Revision Petitions are one and the same, both the Civil Revision Petitions are disposed of by this Common Order.

5. The claimants filed Motor Accidents Claims Original Petition in MCOP No.1895 of 2014, claiming compensation for the death of one Gandhi, who is the father of the revision petitioners, in a road accident.

6. After contest, the Motor Accidents Claims Tribunal awarded a total compensation of Rs.11,74,000/-. The claimants 4 and 5/revision petitioners were awarded a sum of Rs.2,50,000/- each in the total compensation.

7. Even at the time of filing of the Motor Accidents Claims Original Petition, the revision petitioners were major. Subsequent to the passing of Award, the revision petitioners filed petitions in I.A.Nos.1282 of 2015 and 1283 of 2015 to permit them to withdraw the Award amount, apportioned in their favour. In the affidavit, filed in support of the petition, the revision petitioners have stated the reasons for withdrawal of the Award amount.

8. Before the Motor Accidents Claims Tribunal, the

respondent did not object the petitioners for withdrawing the Award amount. However, the Tribunal dismissed the petitions by separate Order dated 21.12.2015.

9. Since the petitioners have satisfactorily explained the reasons for withdrawing the amount in the affidavit, filed in support of the petitions, the Tribunal could have allowed the applications and permitted them to withdraw the apportioned award amount. In paragraph-4 of the affidavit, filed in support of the petitions, the petitioners have satisfactorily explained the reasons for the withdrawal. In these circumstances, I am of the view that the revision petitioners can be permitted to withdraw the apportioned award amount, now lying in the bank deposit.

10. In these circumstances, the order passed by the Motor Accidents Claims Tribunal in I.A.Nos.1282 and 1283 of 2015 in MCOP No.1895 of 2014 are set aside. The petitioners are permitted to withdraw a sum of Rs.2,60,184/-(Rupees two lakhs sixty thousand one hundred eighty four only) each, pursuant to the Award passed in M.C.O.P.No.1895 of 2014. It is made clear that the revision

petitioners shall file an appropriate application before the Motor Accidents Claims Tribunal for payment out and the Tribunal is directed to consider the same on merits and pass suitable orders in the applications. With these observations, both the Civil Revision Petitions are allowed. No costs.

25-11-2016

sr

Index:no
website:yes

To

The Motor Accidents Claims Tribunal,
Special District Court, Dharmapuri.

M. DURAISWAMY,J.,

sr

CRP(NPD)Nos.2496 & 2497/2016

25-11-2016