

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2016

CORAM

THE HONOURABLE **Dr. JUSTICE. S.VIMALA**

C.R.P.(NPD) No.810 of 2016

Rasammal

... Petitioner

Vs.

1. Srinivasan

2. Oriental Insurance Company Limited,

Rep. By its Manager,

No.15/1, Divya Towers, 2nd Floor,

West Part, Fort Main Road, Salem - 1

... Respondents

Prayer :- Civil Revision Petitions (NPD) filed under Article 227 of the Constitution of India, seeking direction to the Motor Accident Claims Tribunal cum Additional District Court, Namakkal, to number the Interlocutory Application filed on 04.12.2015 in M.C.O.P.No.653 of 2013 and pass orders on the same, by permitting the petitioner herein to withdraw the entire award amount with interest which was already deposited by the second respondent herein.

For Petitioner : Mr. C.Kulanthaivel

For Respondent : No Appearance, for R-1,
Mrs. R.Jayasree, for R-2

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ORDER

The Revision Petitioner, Rasammal, filed petition Rule 20 (11) of the Tamil Nadu Motor Vehicles Accident Claims Tribunal Rules, 1989, (hereinafter referred to as "Rules") seeking permission to withdraw the

entire amount of compensation with interest of Rs.21,819/- which had been deposited by the second respondent / Insurance Company awarded to her, in M.C.O.P.No.653 of 2013, dated 04.12.2015. The said petition was returned with the endorsement "As per decree award amount deposited to the bank. Hence this petition return."

2. This order of return, amounts to begging the question and it is under challenge in this Civil Revision Petition.

3. There is no need for the Claims Tribunal to point out that the amount is in Bank Deposit, as per the order of the Court, as only because of the order of the Court, it is in Bank Deposit. The issue to be decided is, whether there is any justification for the petitioner to seek withdrawal.

4. Rule 20 (11) of the Rules provides that the Claims Tribunal may, in personal injury cases, if further treatment is necessary, on being satisfied, which shall be recorded in writing, permit the withdrawal of such amount as is necessary for the expenses of such treatment.

5. So far as this case is concerned, the learned counsel for the Revision Petitioner submitted that, already huge amount has been spent on medical expenses and further amount is necessary for future medical treatment and therefore, the Claims Tribunal ought to have permitted withdrawal of entire amount as claimed by the petitioner.

6. A perusal of the decree and judgment itself would reveal that compensation has been awarded towards medical expenses at Rs.76,070/-. The permanent disability has been estimated at 30% and a sum of Rs.60,000/- has been awarded towards permanent disablement. Under such circumstances, even without any evidence, the Claims Tribunal should have considered the application on merits.

7. Considering the facts and circumstances, the Claimant / petitioner herein is permitted to withdraw a sum of Rs.1,25,000/- from the amount in deposit. The order, returning the permission petition, is hereby set-aside. This Civil Revision Petition is partly-allowed. The permission petition is ordered to extent indicated above. No costs.

18.03.2016

srk

Note to office.: Issue order copy on 21.03.2016

S.VIMALA, J.,

srk

To

1. Motor Accident Claims Tribunal cum Additional District Court,
Namakkal
2. The Section Officer, V.R.Section, Madras High Court,
Chennai - 104

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