

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2016

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THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.830 of 2016

Tmt.N.Zeenathnissa

...

Petitioner

. **.Vs..**

1.Thiru.P.Thambidurai

2. The United India Insurance Co. Ltd.,

Rep. by its Branch Manager

Neela South Street

Nagapattinam Town & District Munsif

...

Respondents

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, against the Award dated 11.02.2016 in I.A.No.62 of 2016 in M.C.O.P.No.103 of 2015 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate) at Nagapattinam.

For Petitioner : Mr.Ilanthiraiyan
for M/s.Sai Bharath and Ilan

ORDER

This Civil Revision Petition has been filed against the order, dated 11.02.2016 in I.A.No.62 of 2016 in M.C.O.P.No.103 of 2015, on the file of the Motor Accident Claims Tribunal (Chief Judicial

Magistrate), Nagapattinam, permitting withdrawal of Rs.62,132/- as against the prayer for withdrawal of the entire amount of Rs. 1,58,132/-.

2. The petitioner herein filed M.C.O.P.No.103 of 2015 before the Motor Accident Claims Tribunal, (District Court), Nagapattinam seeking compensation. The Motor Accident Claims Tribunal (District Court), Nagapattinam passed an award dated 10.07.2015 for a sum of Rs.1,43,000/- with interest @ 7.5% from the date of petition till the date of deposit. The petitioner has filed an application in I.A.No.62 of 2016 before the Motor Accidents Claims Tribunal (Chief Judicial Magistrate) seeking permission to withdraw the compensation amount lying in the Court deposit.

3. A perusal of the order dated 11.02.2016 would reveal that the Tribunal has granted permission to withdraw Rs.62,132/-, considering the award made under various heads and that the claimant who is suffering from disability would need some amount atleast for the future. Therefore, the order passed with social consciousness cannot be faulted with. However, the learned counsel for the revision petitioner submitted that already lot of debt has been incurred towards medical expenses and that the petitioner continue to

incur future medical expenses for which some more amount is required. Considering the present and future interest of the claimant, this Court is inclined to permit withdrawal of Rs.1,00,000/- only by taking into account the dictum laid down in the case of ***A.V.Padma and others versus R.Venugopal*** and others reported in ***2012 1 LW 932*** . It is made clear that the remaining amount shall be in deposit until the period prescribed by the tribunal is over. To this extent the order of the tribunal stands modified.

This Civil Revision Petition is disposed of accordingly. No costs.

14.03.2016

Index : Yes/No

Internet: Yes/No

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Note: Issue order copy on 14.03.2016

S.VIMALA.J

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To

1. The United India Insurance Co. Ltd.,
Rep. by its Branch Manager
Neela South Street
Nagapattinam Town & District Munsif
2. Motor Accident Claims Tribunal (Chief Judicial Magistrate)
Nagapattinam.

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