

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.11.2016

CORAM

THE HON'BLE MR. JUSTICE T.MATHIVANAN

C.R.P (PD) No.4255 of 2012

&

M.P.No.1 of 2012

The Tamil Nadu State Transport Corporation
by its Managing Director
Coimbatore Division 2
Chennimalai Road
Erode

... Petitioner

Vs.

1. Minor Nivetha Rep. By
Next Friend and guardian
Grandfather K.C.Ponnusamy

2.K.C.Ponnusamy

3.K.C.Chinnasamy

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order in E.P.No.21 of 2012 in M.C.O.P.No.779 of 2002 dated 11.09.2002 on the file of Chief Judicial Magistrate Court, Erode.

For Petitioner : Mr.S.V.Vasanth Kumar

For Respondents : Mr.A.Sundaravadhanan for R1 and R2
R3-No appearance

ORDER

The order dated 11.09.2012 and made in the execution petition in E.P.No.21 of 2012 in the claim petition in M.C.O.P.No.779 of 2002 is under challenge in this revision.

2. The revision petitioner is the Tamil Nadu State Transport Corporation, whereas the respondent herein is the minor claimant who is represented by his grandfather and next friend one K.C.Ponnusamy.

3. It is revealed from the records that the respondent had filed a claim petition before the Motor Accident Claims Tribunal (Chief Judicial Magistrate, Erode) claiming a sum of Rs.50,06,000/- for the death of her mother in a Road Traffic Accident said to have been taken place on 15.10.2001 involving a passenger bus belonging to the revision petitioner Transport Corporation. After the trial proceedings, claims Tribunal awarded totally a sum of Rs.12,56,000/- directing the revision petitioner Corporation to pay this amount with interest at the rate of 9%p.a from the date of claim petition.

4. It is brought to the notice of this Court that the award passed by the Tribunal is challenged before this Court. But, no reference is available whether any appeal is preferred or not. Under this circumstance, the respondent/claimant had taken out an execution proceedings to realize the award amount. As per the execution proceedings, the amount payable by the revision petitioner is Rs.24,00,000/- along with accrued interest. This

execution petition was allowed on 11.09.2012 with a finding that the respondent/claimant is entitled to realize the award amount by attaching the immovable properties belonging to the revision petitioner Corporation. Attachment was ordered to be made by 28.09.2012. This order has been challenged in this revision.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for respondents 1 and 2.

6. Now the learned counsel appearing for the revision petitioner has submitted that in pursuant to the conditional order of this Court dated 20.11.2012, the entire award amount was deposited to the credit of the claim petition in M.C.O.P.No.779 of 2002. Since the respondent/claimant is the minor, the amount was ordered to be invested in an interest earning scheme in any one of the nationalized bank. According to the revision petitioner, the entire award amount is deposited, which is also confirmed by the learned counsel for the respondent.

7. Now according to the learned counsels, since the entire amount is deposited and no appeal is preferred as on date, the revision petition might be disposed of. Mr.A.Sundaravadhanan, learned counsel for the respondent has submitted that the minor claimant Nivetha had attained majority and as such she had to be declared as major by the claims Tribunal for which an

application is to be filed.

8. Keeping in view of this fact, this Court finds that on such application being made and if it is proved that the minor claimant has attained majority, the executing Court shall have to record the same and declare the minor respondent as major and thereafter she is at liberty to withdraw the entire amount along with accrued interest and cost thereon.

The revision petition is disposed of with the above direction. However, there shall be no order as to costs.

10.11.2016

Index: Yes/No

Index: Yes

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Note: Issue order copy on 14.11.2016

To

II Additional Principal Judge,
Family Court, Chennai

T.MATHIVANAN.J.,

gpa

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