

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.28516 of 2012

S.Kumar .. Petitioner
Versus

- 1.The New India Insurance Co., Ltd.,
MTPC Office,
No.45, Moor Street, V Floor,
Chennai -600 001.
 - 2.The Registrar,
Small Causes Court,
Chennai.
 3. The Manager,
State Bank of Mysore,
Kilpauk, Chennai.
- .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents to transfer the award amount to the learned Subordinate Court, Ponneri to enable the petitioner to withdraw the same.

For Petitioner : Mr.N.Subramani
For Respondents : No Appearance [R1]
Mr.P.K.Rajagopal [R2]
Mr.S.Sethuraman [R3]

O R D E R

The petitioner would claim that he was employed as a Soldier in the services of Indian Army and after his retirement, he was working as a Security Guard in H.B.I. College, Kilpauk, Chennai - 600 010 and he met with an accident on 01.01.2003 and in this regard, has filed a claim petition in MCOP No.39/2003 on the file of Sub Court, Ponneri, praying for compensation of Rs.3,00,000/- and the said court, vide award dated 23.06.2006, awarded a sum of Rs.1,15,000/- with interest at the rate of 9% per annum from the date of petition on 06.02.2003 till realization and also permitted the petitioner to withdraw a sum of Rs.65,000/- for his immediate needs.

2. The petitioner would further state that since the
<https://hcservices.ecourts.gov.in/hcservices>

award has not been satisfied, he has filed E.A.No.112 of 2009 on the file of Sub Court, Ponneri seeking attachment and since the property concerned lies within the jurisdiction of this Court, by way of precept it was transferred to the file of the second respondent and thereafter, the award amount with interest has been deposited and the second respondent, in turn, has deposited the same with the third respondent in an interest bearing deposit. The grievance expressed by the petitioner is that since he is a permanent resident of Sirniyam Village, Sholavaram Post, Ponneri Taluk, Thiruvallur District, unless and until the amount deposited by the second respondent lying to the credit of the third respondent is transferred to the file of the Sub Court, Ponneri, he may not be in a position to withdraw the compensation and he is suffering very much and hence, prays for appropriate orders.

3. Though the first respondent has been served and their names appear in the cause list, there is no representation on their behalf. Mr.P.K.Rajagopal, who appears for the second respondent would submit that necessary steps will be taken to withdraw the amount lying to the credit of the third respondent and it will be transferred and credited in M.C.O.P.No.39 of 2003 on the file of Sub Court, Ponneri.

4. This court has considered the rival submissions and also perused the materials placed before it.

5. In the light of the above facts and circumstances, the second respondent is directed to withdraw the compensation amount deposited from the file of the 3rd respondent and transfer the same to the credit of M.C.O.P.No.39.2003 on the file of the Sub Court, Ponneri within a period of two weeks from the date of receipt of copy of this order. The Sub Court, Ponneri, for disposal of compensation, is to adopt the procedure laid down by the Division Bench of this Court in the case of The Divisional Manager, The Oriental Insurance Company Ltd. VS. Rajesh and two others [2016 3 CTC 28 : 2016 3 MLJ 730] and take immediate and appropriate steps in that regard.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To
1.The New India Insurance Co., Ltd.,
MTPC Office,
No.45, Moor Street, V Floor,
Chennai -600 001.

2.The Registrar,
Small Causes Court,
Chennai.

3. The Manager,
State Bank of Mysore,
Kilpauk, Chennai.

4.The Subordinate Judge,
Ponneri, Tiruvallur.

5.The Registrar General,
High Court, madras.

+1 cc toMr.S.Sethuraman,advocate,sr.48278

+1 cc to Mr.N.Subramani,advocate,sr.47986.

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