



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2016

CORAM

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P. (MD) No. 2165 of 2016

WEB COPY

Pavathal (Died)

Devar Servai (Died)

1. Ponnumayil

2. Subramanian

3. Shanmugavalli

4. Paramasivam

.. Petitioners/Petitioners/Petitioners

Vs.

1. Thiraviam

2. The New India Assurance Company Ltd.,

Salem - 1.

.. Respondents/Respondents/Respondents

PRAYER: Petition filed under Article 227 of Constitution of India, to set aside the fair and Decretal Order passed by the learned Subordinate Judge, Sivagangai, in I.A.No.59 of 2016 in M.C.O.P.No.29 of 1984, dated 04.04.2016.

For Petitioners : Mr.N.Tamilmani

For R-2 : Mr.J.S.Murali

O R D E R

Challenging the order passed by the learned Subordinate Judge, Sivagangai, in I.A.No.59 of 2016 in M.C.O.P.No.29 of 1984, dated 04.04.2016, the present Civil Revision petition has been filed.

2. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the second respondent.

3. According to the Revision petitioners, they filed M.C.O.P. No.29 of 1984 before the Motor Accident Claims Tribunal, District and Sessions Court, Ramanathapuram at Madurai, sought compensation for the death of Dhandapani. The Tribunal awarded a sum of Rs.1,24,000/- along with proportionate interest and costs. Against which, the second respondent filed an appeal in C.M.A.No.418 of 1985 before this Court. Pending the aforesaid appeal, the Revision petitioners filed a petition in C.M.P.No.14554 to permit them to receive the award amount. This Court has permitted the petitioners to withdraw 50% of the award amount without any security and remaining 50% to be withdrawn by furnishing security. In view of the order passed by this Court, the petitioners had withdrawn the entire award amount passed by the Tribunal, pending the said appeal. Thereafter, the aforesaid appeal was dismissed by this Court, on 30.03.1985. The petitioners have filed the present application in I.A.No.59 of



2016, to cancel the security furnished to the title deed document given by them in favour of the Tribunal, to withdraw the 50% of the award amount. The said application was dismissed by the Court below on the ground that the petitioners had not produced the original order copy.

4. The learned counsel for the second respondent would submit that in view of the dismissal of the aforesaid appeal, the entire award amount has been deposited in the light of the order passed by the Tribunal. Therefore, the second respondent has complied with the order passed by the Tribunal.

5. Taking into consideration the submissions made by both the parties and pursuant to the order passed in C.M.P.No.14554, no prejudice caused to the interest of the respondents, to release the security given by the Revision petitioners to withdraw 50% of the said award amount. Hence, the order passed by the learned Subordinate Judge, Sivaganga, in I.A.No.59 of 2016 in M.C.O.P.No.29 of 1984 is set aside and the Civil Revision petition allowed with a direction to the petitioners to file appropriate application before the Tribunal to release the said security of registered document No.585 of 1987, dated 27.08.1987, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the learned Subordinate Judge, Motor Accidents Claims Tribunal, Sivagangai, shall pass orders for releasing the said document furnished by the petitioners as a security to the balance award amount. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Sivagangai.
- 2.The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.J.S.Murali, Advocate Sr.No. 72234
+1cc to Mr.N.Tamilmani, Advocate Sr.No. 72111

pmu

AE/MR VB/02.02.2017/2p/5c

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