

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Civil Revision Petition No.2752 of 2014

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ORDER:

This Civil Revision Petition under Section 115 of the Code of Civil Procedure, 1908 is directed against the order dated 02.07.2014 of the learned Principal District Judge, Warangal passed in I.A.no.1149 of 2014 in M.V.O.P.no.981 of 2010 filed by the revision petitioner under Section 151 of the Code seeking permission to withdraw her entire balance share of compensation, which is deposited to the credit of the aforementioned OP.

2. I have heard the submissions of the learned counsel for the petitioner and I have perused the material record.

3. The claimant/petitioner was awarded compensation on account of the loss sustained by her due to the untimely death of her son on account of his involvement in a motor vehicle fatal accident. Out of the compensation awarded towards her share, she was already permitted to withdraw Rs.1,00,000/- and the balance was directed to be kept in deposit. On the ground that she was more than sixty (60) years of age and that the amount in deposit is required for her treatment and meeting medical expenses, she had sought permission for withdrawal of the balance amount. The Tribunal had dismissed the said petition by the impugned order by stating that a substantial part of the compensation amount is already withdrawn by her five months prior to the filing of the said petition.

4. The law is well settled that compensation awarded to the mother of the deceased need not be directed to be deposited in a Bank in view of the precedential guidance in **H.S. Ahammed Hussain and other v. Irfan Ahammed and others**^[1]. Further, if the amount is released, it is likely to serve useful purpose. Viewed thus, this Court finds that the impugned order calls for interference.

5. In the result, the Civil Revision Petition is allowed and the impugned order is set aside; and, as a sequel, I.A.no.1149 of 2014 in MV OP no.981 of 2010 is allowed. The Tribunal is now directed to entertain the application that may be filed by the claimant for issuance of a cheque in favour of the claimant/petitioner and dispose of the same in accordance with the procedure established by law. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

M. SEETHARAMA MURTI, J

26th February 2016
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[\[1\]](#) 2002 (4) ALD 103 (SC)

