

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2017

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

C.R.P.No.1414 of 2017

1. V.Sasireka
2. V.Mirunalini
3. Govindammal

... Petitioners

Vs.

1. G.Gulsaar
2. Branch Manager,
Oriental Insurance Company Limited,
Branch Office, No.81-C, First Floor,
KRC Complex,
Chennai Road,
Krishnagiri Town
Krishnagiri District.

... Respondents

This Civil revision is filed under Article 227 of the Constitution of India to set aside the order passed by the learned Principal District Judge, Motor Accident Claims Tribunal, Krishnagiri, dated 28.2.2017 made in I.A.No.288 of 2017 in MCOP No.11 of 2012.

For Petitioners ... Mr. B.N.Chandrasekar

For Respondent No.2 .. Mr. Bharathi
For Oriental Insurance Company Ltd.,

ORDER

The petitioner filed M.C.O.P.No.11 of 2012 against the respondents herein, wherein the tribunal awarded a sum of Rs.25,67,664/- to the claimants. Pursuant to the said award, the second respondent/Insurance Company deposited the entire amount with accrued interest before the tribunal.

2 The second petitioner filed the instant application in I.A.No.288 of 2017 before the tribunal to withdraw a sum of Rs.10,00,000/- out of Rs.15,00,000/- which was already deposited in the nationalised bank. The said application was dismissed for non prosecution. Therefore, the petitioner has filed the present Civil Revision Petition before this Court.

3 Mr.Bharathi, the learned counsel appearing for the second respondent/Insurance Company would submit that the second respondent/Insurance company has no objection for setting aside the order, dated 28.2.2017. He also submitted that the second respondent/Insurance Company has no objection for withdrawing the said amount by the second petitioner since she has attained majority.

4 Heard the learned counsel for the petitioner and the learned counsel for the second respondent/Insurance Company and perused the materials available on record.

5 In the light of the submission made by the learned counsel appearing for the parties, the impugned order by the learned Principal District, Motor Accident Claims Tribunal, Krishnangiri in I.A.No.288 of 2017 in MCOP No. 11 of 2012 dated 28.02.2017 is set aside and the matter is remanded back to the tribunal to consider the said I.A. afresh and pass appropriate orders as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

6 Accordingly, the Civil Revision Petition is allowed. No costs.

21.06.2017

Speaking/Non Speaking order

Index: Yes/No

Internet: Yes/No

Note: Issue order copy on 29.6.2017

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D.KRISHNAKUMAR,J.

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