

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

C.R.P.(NPD)No.1521 of 2017

The Managing Director
TNSTC (Salem) Limited
Salem-7

... Petitioner

VS.

Poornakumar

... Respondent

This Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 22.02.2017 made in R.E.P.No.4 of 2016 in M.C.O.P.No.368 of 2008 on the file of Motor Accident Claims Tribunal, Subordinate Judge, Tiruchengode.

For Petitioner : Mr.D.Venkatachalam

For respondent : No appearance

ORDER

This Civil Revision Petition arises against the docket order dated 22.02.2017 made in R.E.P.No.4 of 2016 in M.C.O.P. No.368 of 2008 on the file of Motor Accident Claims Tribunal, Subordinate Judge, Tiruchengode.

2. Brief facts of the case is as follows :-

The respondent was injured in an accident that occurred on 30.05.1999 at Tiruchengode, due to the rash and negligent driving of the driver of the petitioner Corporation. Against the said accident the respondent filed a case in MCOP No.368/2008 before the (Motor Accidents Claim Tribunal) Subordinate Judge, Tiruchengode. The Tribunal awarded a sum of Rs.42,000/- as compensation together with an interest @ 7.5% and since the respondent was a minor at the time of passing the award, it was directed to be deposited in a Nationalised Bank. Since the same was not deposited the respondent filed an execution petition in REP No.4 of 2016. The petitioner Corporation deposited a cheque on 21.02.2017 for a sum of Rs.85,150/- in favour of the Subordinate Judge, Tiruchengode. The Tribunal passed an order

on 22.02.2017 directing the petitioner Corporation to issue the cheque in favour of the claimant and deposit into the court MACT account, through NEFT mode and returned the cheque issued in favour of the Tribunal.

3. According to the learned counsel for the petitioner, the said direction issued by the Tribunal to issue the cheque in the name of the party is contrary to the guidelines issued by this Court in the case of the ***Divisional Manager, the Oriental Insurance Company Ltd., Kannur vs. Rajesh & Ors., reported in CDJ 2016 MHC 807***, wherein sub para (viii) of paragraph 11, it is held as follows:-

" (viii) The Claims Tribunals shall, as a matter of rule, direct the insurance companies or transport corporations or such other entities held liable to pay the compensation, to deposit the award sum to the credit of the bank account of the Claims Tribunal directly by NEFT or RTGS mode. The Registry will issue appropriate directions in this regard enabling the respective Claims Tribunal or the District Court concerned to open separate

account, which will bear a suffix "MACT" to identify that the account is in relation to motor accident claims."

4. Though notice was served on the respondent, there is no representation either in person or through counsel. Heard learned counsel for the petitioner and perused the material available on record.

5. In the light of the said observation of this Court, the order passed for rejection of the said application is contrary to the decision cited supra. Hence, the petitioner Corporation is permitted to re-present the memo before the MACT/ Subordinate Court, Tiruchengode, within a period of two weeks from the date of receipt of a copy of this order. The Tribunal shall pass an order, in the light of the decision cited supra.

6. The Civil Revision Petition is allowed. No costs.

09.06.2017

Index : yes / no

Speaking order/ Non-speaking order

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To

The Subordinate Court,
Motor Accident Claims Tribunal
Tiruchengode.

D.KRISHNAKUMAR, J.

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