

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **03.03.2017**

CORAM

THE HON'BLE MRS.JUSTICE **PUSHPA SATHYANARAYANA**

CRP PD No.92 of 2017

Krishnan

.. Petitioner

vs

The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Ltd., Dharmapuri Region
No.12, Ramakrishna Road
Salem.

.. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India against the returned endorsement dated 30.08.2016 passed by the learned Principal District Judge [Motor Accident Claims Tribunal], Krishnagiri in I.A.SR.No.4306 of 2016 in MCOP No.349 of 2010.

For Petitioner : Mr.K.Suryanarayanan

ORDER

The revision is filed against the returns made by the learned Principal District Judge, [Motor Accident Claims Tribunal] Krishnagiri in I.A.SR.No.4306 of 2016 in MCOP No.349 of 2010.

2. The facts leading to the filing of this revision petition is that while disposing of the MCOP No.649 of 2010, the Court below vide order dated 08.01.2013 has passed an award of Rs.6,42,000/- with interest along with legal expenses and the said Award was apportioned between the claimants in the ratio Rs.2,42,000/- for the revision petitioner and Rs.2,00,000/- each for the two minor children. The Court below further permitted the petitioner herein to withdraw a sum of Rs.1,42,000/- along with interest. Accordingly, he has filed an application in I.A.SR.No.4306 of 2016 praying for issuance of a cheque in favour of the petitioner for a sum Rs.2,00,510/-. The said application was rejected with the following endorsement:

"1. Petitioner is directed to produce the bank

pass book attested by the bank concerned (Manager), Aadhar Card and PAN Card as per circular of the High Court, Madras in Roc.No.31955A/16-F1 dated 09.05.2016.

2. Calculation memo to be filed.

Hence returned. Time one month."

3. Challenging the above endorsement, the present revision is filed.

4. Heard the learned counsel for the petitioner.

5. On a perusal of the typed set of papers, it is seen that the revision petitioner, without complying with the returns, has filed this revision, challenging the Circular issued by this Court in ROC No.31955-A/2016/F1 dated 09.05.2016. The said Circular directs all the Motor Accident Claims Tribunals to strictly follow the directions given by the Division Bench of this Court in its order dated 11.03.2016 passed in CMA No.428 of 2016. The Circular also specifically states that though the claims Tribunal

awards just compensation, the benefits did not reach the hands of the victims/claimants. The Courts cannot be a mute spectator to dissipation of the compensation to the benefit of and at the hands of third parties. If it is allowed to do so, it will be failure of justice as the just compensation does not reach the victims or the claimants.

6. In the light of the above observation, the mode of deposit by the respective Insurance Companies, Transport Corporations and also owners of the vehicles were directed to follow the procedure set out in the Circular, while depositing the amount directly to the credit of the OP in the bank account of the Tribunal. If the petitioner is so aggrieved by the same, the same can be challenged only before the appropriate forum and this Court cannot sit over the judgment passed by the Division Bench of this Court, when it is bound by the same.

7. Accordingly, I find no merit in this revision and the same

is dismissed. No costs.

03.03.2017

vj2

Index: yes/No

Internet: yes

To

The Principal District Judge

[Motor Accident Claims Tribunal],

Krishnagiri

PUSHPA SATHYANARAYANA,J.,

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