

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **07.04.2017**

CORAM:

THE HONOURABLE MR. **JUSTICE K.K.SASIDHARAN**

C.R.P.(N.P.D.) No.3658 of 2013

Rathinamma

...Petitioner

versus

1.Manokaran

2.The Divisional Manager
Sriram General Insurance Co. Ltd.
Having Office at 9/4, Arani road
Azhagappa building
Thinakaran Bus stop, Vellore.

...Respondents

(No relief sought against 1st
respondent and hence given up)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 16.07.2013 in returning the withdrawal petition in unnumbered I.A.SR.No.10055 of 2013 in M.C.O.P.No.101 of 2010 on the file of the Motor Accident Claims Tribunal (Principal District Court), Vellore.

For Petitioner : No appearance

For Respondents : No appearance

ORDER

The petitioner filed an application before the learned Principal District Judge, Vellore, to permit her to withdraw a sum of Rs.4,18,000/- from Court deposit, which was awarded to her in M.C.O.P.No.101 of 2010. The learned Principal District Judge, Vellore, returned the application with a query as to how it is maintainable. The said order is under challenge in this Civil Revision Petition.

2. None appears on behalf of the petitioner. Similarly, none appears on behalf of the second respondent.

3. The documents available on record indicates that the petitioner along with minor child filed M.C.O.P.No.101 of 2010 before the Motor Accident Claims Tribunal (Principal District Judge, Vellore). The Tribunal, by Award dated 9 July 2012, awarded a total compensation of Rs.9,64,200/-. There was a direction to deposit the amount due to the minor.

4. The Trial Court deposited the amount due to the minor in a nationalised bank. The petitioner has withdrawn a portion of the amount. The petitioner wanted to withdraw a further sum of Rs.3,00,000/- so as to enable her to discharge the loan. The Trial Court, even without numbering the application has returned it with a remark as to how such an application is maintainable. It is not clear as to why the application was returned as not maintainable.

5.The petitioner has filed the application to withdraw the money. The petitioner has stated certain reasons, which according to her, would justify the act of withdrawal. The learned Trial Judge ought to have numbered the application and considered the matter on merits. Since the said course was not adopted by the learned Trial Judge, the impugned order is liable to be set aside.

6.In the result, the impugned order dated 16 July 2013 is set aside. The learned Principal District Judge, Vellore, is directed to number the application filed in I.A.SR.No.10055 of 2013 in M.C.O.P.No.101 of 2010 and decide the issue on merits and as per law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

K.K.SASIDHARAN,J.

Kj

7.The Civil Revision Petition is allowed as indicated above. No costs.

07.04.2017

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To

The Motor Accident Claims Tribunal
(Principal District Court), Vellore.

C.R.P.(N.P.D.) No.3658 of 2013

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