

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.61 of 2010  
M.P.No.1 of 2010

National Insurance Co. Ltd.,  
North Car Street,  
Nagercoil

.. Petitioner

Vs.

1.P.Muthumoni  
2.Sam Langlin  
3.A.Basheer

.. Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, against the Memo made in MCOP No.70 of 2000 dated 19.03.2009 subsequently dated 09.10.2009, on the file of the Motor Accidents Claims Tribunal, Additional District Court, Karaikal.

For Petitioner : Mr.N.Vijayaraghavan

For R1 : Not ready in notice

For R2 & R3 : Exparte

ORDER

This Civil Revision Petition has been filed against the Memo made in MCOP No.70 of 2000 dated 19.03.2009 subsequently dated 09.10.2009, on the file of the Motor Accidents Claims Tribunal, Additional District Court, Karaikal.

2. The revision petitioner is the third respondent, first respondent is the claimant and respondents 2 and 3 are the respondents 2 and 3 in the M.C.O.P.No.70 of 2000 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Pondicherry at Karaikal. The first respondent filed the said M.C.O.P against the petitioner and respondents 2 and 3, claiming for a sum of Rs.5,38,648/- as compensation for the injuries sustained by him in the accident that occurred on 08.05.1998. By the order dated 10.09.2001, the Tribunal awarded a sum of Rs.1,51,373/- as compensation. Against the said award dated 10.09.2001 made in M.C.O.P.No.70 of 2000, the first respondent filed C.M.A.No.1346 of 2002 for enhancement of compensation to the tune of Rs.3,87,275/-. This Court, by the judgment dated 13.08.2008 made in C.M.A.No.1346 of 2002, enhanced the compensation to Rs.2,16,373/-.

The petitioner filed memo enclosing the Demand Draft for a sum of Rs.1,01,638/- as full and final settlement of amount awarded by this Court. The Tribunal, on 19.03.2009, returned the said memo stating that amount is not deposited within the time limit fixed by this Court. The petitioner re-presented the said memo together with Demand Draft on 09.10.2009 with endorsement that "no time limit is fixed for deposit of the amount" and amount is deposited in full satisfaction of the compensation award to the first respondent. Again the said memo was returned on the same day.

3. The present Civil Revision Petition is filed by the Petitioner Insurance Company against the memo dated 09.10.2009 made in M.C.O.P.No.70 of 2000.

4. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

5. The contention of the learned counsel appearing for the petitioner is that the petitioner has deposited the amount in full satisfaction of the compensation award and no time limit was fixed by the Court to deposit the amount has considerable force. The Tribunal

erred in returning the memo. In the circumstances, the Civil Revision Petition is allowed, directing the petitioner to deposit the amount mentioned in the earlier Demand Draft by fresh Demand Draft within a period of two weeks from the date of receipt of a copy of this order. If such deposit is made by the petitioner, the Tribunal is directed to accept the same and it will be in full satisfaction of the compensation awarded by this Court in C.M.A.No.1346 of 2002. The first respondent/claimant is permitted to withdraw the same as and when the said amount is deposited.

6. With the above direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

04.10.2017

Index : Yes

gsa

To

The Motor Accidents Claims Tribunal,  
Additional District Court,  
Karaikal.

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**V.M.VELUMANI, J.**

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