

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.3718 of 2017

ORDER:

This Civil Revision Petition, under Article 227 of the Constitution of India, is filed challenging the Order, dated 15.06.2017, passed in I.A.No.601 of 2017 in M.V.O.P.No.87 of 2013 by the Principal District Judge, Karimnagar, whereby, the Chairman, Motor Accident Claims Tribunal – cum – Principal District Judge, Karimnagar (for short, 'Tribunal') dismissed the petition filed by the Petitioner herein under Section 151 of CPC seeking permission to withdraw his remaining share of compensation of Rs.51,398/- along with accrued interest, which was earlier ordered to be kept in Fixed Deposit.

Heard the learned counsel for the petitioner. Perused the material available on record.

Learned Counsel for the petitioner submits that based on the claim of the petitioners in MVOP No.87 of 2013, the Tribunal, by Award, dated 13.02.2014, granted compensation of Rs.10,15,000/- to the claimants along with proportionate interest and costs. The Tribunal awarded an amount of Rs.7,50,000/- to the petitioner No.1 therein, Rs.2,15,000/- to the petitioner 2 therein (petitioner herein), and Rs.50,000/- to petitioner No.3 therein. Aggrieved by the same, the second respondent herein/APSRTC preferred an appeal before this Court against the judgment and Award, dated 13.02.2013, passed by the Tribunal. This Court, by order, dated 05.06.2015, passed in MACMA MP No.5613 of 2014 in MACMA No.765 of 2015, granted interim stay on condition of the second

respondent herein/APSRTC depositing 50% of the decretal amount awarded by the Tribunal together with subsequent interest accrued thereon. On filing of the vacate stay petition by the petitioner herein along with other claimants, the said order was modified permitting the petitioners/claimants to withdraw the deposited amount in terms of the Award without furnishing any security. Thereafter, I.A.No.1381 of 2013 was filed by the petitioner before the Court below herein seeking permission to withdraw his share of compensation and the Tribunal, by order, dated 18.09.2015, granted permission to the petitioner herein to withdraw Rs.75,000/- and directed that the remaining amount of Rs.51,397/- shall be kept in fixed deposit. When the petitioner herein filed I.A.No.601 of 2017 before the Court below to withdraw the remaining amount after completion of the term of the Fixed Deposit period, i.e., after three years as ordered by the Court below, the Court below passed the impugned order rejecting the said request. Therefore, the petitioner is before this Court.

Though the petitioner herein stated the above facts in the affidavit filed in support of I.A.No.601 of 2017, the Tribunal, without considering the said aspects, dismissed the said application, which shows non application of mind by the Tribunal in passing such order, without even referring to the facts pleaded by the petitioner herein in the affidavit filed in support of I.A.No.601 of 2017.

In view of the same, the Civil Revision Petition is allowed by setting aside the impugned order. The matter is remitted back to the Tribunal with a direction to dispose of I.A.No.601 of 2017 in

M.V.O.P.No.87 of 2013 afresh, by taking into consideration the facts stated above, however, after giving notice to both parties.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

A. RAJASHEKER REDDY, J

August 04, 2017

eha



THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

CIVIL REVISION PETITION No.3718 of 2017

August 04, 2017

eha

