



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.01.2018

CORAM:

WEB COPY

THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

CRP (MD) .No.534 of 2011 (PD)

and

M.P (MD) .No.1 of 2011

Amalamary Flora

... Petitioner

-vs-

1.The Managing Director,
Tamilnadu State Transport Corporation,
Salem,
Salem District.

2.Muthusamy

3.Philominal ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to allow this civil revision petition by setting aside the order passed I.A.No.80 of 2010 in M.C.O.P.No.347 of 2001 on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Karur dated 22.09.2010.

For Petitioner	: Mr.V.Chandrasekar
For Respondent No.1	: No appearance
For Respondent Nos. 2 & 3	: Mr.V.Balaji

O R D E R

This civil revision petition has been preferred against the order passed in I.A.No.80 of 2010 in M.C.O.P.No.347 of 2001 on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Karur.

2.In M.C.O.P.No.347 of 2001, the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Karur, awarded a sum of Rs.1,03,200/- (Rupees One Lakh Three Thousand and Two Hundred only) towards the injury sustained by one Victor and the said amount was deposited along with interest to the tune of Rs.1,26,001/- (Rupees One Lakh Twenty Six Thousand and One only). After the award was passed, the injured person died and therefore, I.A.No.80 of 2010 was filed by the petitioner.



3. In that application the father and mother of the deceased are arrayed as second and third respondents and they have filed a counter stating that this petitioner is not a dependant of the deceased Victor and the petitioner did not do any help to the deceased Victor, even he was in a worst health condition and at the time of treatment, the respondents 2 and 3 alone managed the medical and transport expenses and hence, the petitioner being the wife and her minor son are not entitled for the entire amount.

4. The Tribunal, after verifying the facts laid before it by both sides, has apportioned the compensation amount deposited by the first respondent. A sum of Rs.20,000 was allotted to the minor son of the deceased, a sum of Rs.15,001/- was allotted to the wife of the deceased and a sum of Rs.46,000/-, Rs.45,000 were allotted to the father and mother of the deceased Victor. Against the said order, this civil revision petition has been preferred by the petitioner/wife.

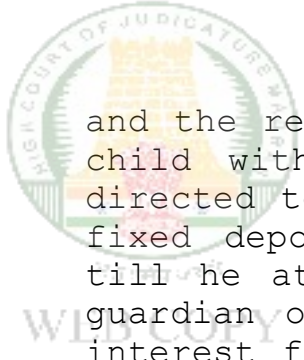
5. The learned counsel for the petitioner has argued that the said amount of compensation was deposited for the injuries sustained by Victor and after depositing the amount, the said Victor died. The argument of the petitioner is that as per law, the petitioner and the minor son are entitled to the entire amount and the second and third respondents are not entitled for any amount. In support of the argument, the petitioner has also quoted the rights of the widow in the estate of deceased/husband.

6. The learned counsel for the respondents 2 & 3 has argued that the second and third respondents/parents also spent a huge amount for the treatment of the deceased and also spent the amount for filing this claim petition.

7. Heard the learned counsel for the petitioner and the learned counsel for the respondents 2 and 3 and perused the materials available on record.

8. On a perusal of records it is seen that the award was made in the year 2001 and the Interlocutory Application was filed in the year 2010 and this civil revision petition has been filed in the year 2011 and the same is still pending. Considering the facts that the petitioner is a young widow with the minor son and the parents are also attained the age of 86 and 80 and both parties are left without any help because of the pendency of the continuous proceeding and the amount awarded as compensation could not be utilised by them, in the interest of justice the apportionment made by the Tribunal should be modified.

9. The parents of the deceased are entitled to a sum of Rs.12,000/- each with accrued interest and the wife of the deceased is entitled to a sum of Rs.24,000/- with accrued interest



and the remaining amount of Rs.55,000/- was allotted to the minor child with the accrued interest. The share of the minor is directed to be deposited in any one of the Nationalised Banks, in fixed deposit, initially for a period of three years renewable till he attains majority. The petitioner, who is the mother and guardian of the minor son, is permitted to withdraw the accrued interest from the Bank once in three months only for the welfare of the minor.

10. With the above modification, this civil revision petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

rmk

To:

The Motor Accident Claims Tribunal
cum Chief Judicial Magistrate, Karur.

+1cc to Mr.V.Chandrasekar, Advocate in SR.No.45169

+1cc to Mr.V.Balaji, Advocate in SR.No.45373

GJM/MMS/SAR-I-28.5.18-3P-4C

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