

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION No.4662 of 2018

ORDER:

This Civil Revision Petition under Article 227 of the Constitution of India is filed questioning the Order dt.08.06.2018 in S.R.No.9452 of 2018 in MVOP No.583 of 2014 passed by I Additional District Judge, Kadapa, FAC IV Additional District Judge, Kadapa, rejecting the request to send for the amount on the ground that as per the Orders dt.07.12.2017 in I.A.No.1350 of 2017 the petitioner had withdrawn Rs.9,34,051/- and as per the Orders of this Court in MACMA MP No.4084 of 2017 in MACMA No.2294 of 2017, the petitioner was permitted to withdraw 50% of the awarded amount and therefore, the petitioner is not entitled to withdraw the fixed deposit amount of Rs.6,11,458/-.

In spite of serving notice, none appeared for the respondents.

The Tribunal by Order dt. 08.06.2018 rejected the Petition to send for the amount having permitted the petitioner to withdraw an amount of Rs.6,11,458/- by Order dt. 11.05.2018 in I.A.No.595 of 2018 in M.V.O.P.No.583 of 2014. The Tribunal passed an award, awarding Rs.24,70,000/- towards compensation while permitting to withdraw 50% of the amount awarded on deposit of the amount within a period of 30 days from the date of the order. But, the Insurance Company preferred an appeal and obtained interim Order in MACMAMP No. No.4084 of 2017 in MACMA No.2294 of 2017 dt. 08.09.2017, whereby this Court directed the appellant/insurance

company to deposit 50% of the decretal amount with proportionate interest within a period of six weeks from the date of receipt of the copy of the Order while granting stay of further proceedings and permitted the claimant No.1/respondent, who is a major, to withdraw the deposited amount with interest and costs by following the procedure established by law.

In view of this direction, the Tribunal having granted permission to withdraw an amount of Rs.6,11,458/- cannot deny the relief when a petition is filed to send for the amount and in fact when permission is granted and cheque petition is filed, it is the duty of the Tribunal to send for the amount since the amount is lying in the bank to the credit of the OP and therefore, having granted permission to withdraw Rs.6,11,458/-, the Tribunal ought not to have passed such Order. Hence, the Order dt. 08.06.2018 passed by the Tribunal is set aside while directing the Tribunal to send for the amount and issue cheque for the amount in the event of filing cheque petition for the said amount permitted to be withdrawn by Order dt. 11.05.2018 in I.A.No.595 of 2018 in M.V.O.P.No.583 of 2014.

Accordingly, this Civil Revision Petition is disposed of.

Miscellaneous Petition, if any pending, in this case, shall stand dismissed.

M. SATYANARAYANA MURTHY, J

Date: 14-09-2018
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HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY



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Dt. 14-09-2018

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