



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P (MD) .Nos.1152 and 1153 of 2019

WEB COPY

Minor Aathi Shankar

S/o.A.Marimuthu,

represented through his father and

next friend A.Marimuthu

...Petitioner/Petitioner/Petitioner
in both the petitions

Vs.

The Divisional Manager,

M/s.New India Insurance Company,

248-B, Rega Towers,

Kamarajar Road,

Madurai.

... Respondent/Respondent /Respondent
in both the petitions

COMMON PRAYER:- Civil Revision Petitions filed under Section 115 of C.P.C., against the order dated 23.11.2018 passed in I.A.Nos.1550 of 2018 in M.C.O.P.No.594 of 2014 and I.A.No.1551 of 2018 in M.C.O.P.No.546 of 2014 respectively by the Special District Judge (Motor Accident Claims Tribunal), Madurai.

For petitioner in
both the petitions

: Mr.D.Senthil

For respondent in
both the petitions

: Mr.J.S.Murali

COMMON ORDER

Both the revision petitions have been filed by the minor petitioner challenging the separate orders dated 23.11.2018, whereby and whereunder the Court below dismissed the petitions filed by the minor petitioner seeking permission of the Court below to withdraw his share amount awarded and deposited as per the order of the Motor Accident Claims Tribunal in M.C.O.P.Nos.594 and 546 of 2014.

2. In an motor accident held on 06.05.2014, the minor petitioner sustained 32% partial permanent disability and lost his sister by name M.Varshni. In the claim petition filed by the minor petitioner seeking compensation for disability, the Tribunal has awarded a sum of Rs.1,62,200/- as total compensation. In the claim petition filed by the minor petitioner, along with his parents, seeking compensation with regard to death of her sister, the Tribunal has awarded a sum of Rs.50,000/- as compensation. In both the MCOPs, the Tribunal has directed to deposit the share of the



minor petitioner in a nationalised bank till he attains majority and permitted the guardian of the minor petitioner to withdraw the interest accrued from the said deposit. While so, the minor petitioner has filed I.A.Nos.1550 and 1551 of 2018 seeking permission of the Court to withdraw his share amount awarded and deposited in the respective MCOPs. The Court below has dismissed same by way of separate orders. Challenging the said orders, the minor petitioner has filed these revision petitions.

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

4. The main reason stated by the petitioner for withdrawing the amount awarded and deposited in respect of his share is that for medical and educational expenses, the amount deposited in the name of the petitioner is needed. Admittedly, the petitioner does not even aver anything about ailment of the petitioner and as to which treatment the amount is required. He has also not produced any document about proposed expenditure for medical expenses and educational expenses. The reason stated by the petitioner appears to be vague. The purpose of keeping the amount in the deposit would be defeated, if these petitions are ordered without any valid reason. The Court below has dismissed both petitions holding that the petitioner has not produced any document about proposed expenditure for medical and educational expenses. This Court does not find any reason to interfere with the said order passed by the Court below.

5. In view of the above, both the Civil Revision Petitions are dismissed. No costs.

Sd/-

Assistant Registrar (Ad-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Special District Court /
Motor Accident Claims Tribunal,
Madurai.

+2 CC to Mr.D.SENTHIL, Advocate SR-81005 & 81006.

+2 CC to Mr.J.S.MURALI, Advocate SR-80966 & 80967.

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