



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

CRP(MD).Nos. 1878 and 1879 of 2019

Manonmani	... Petitioner / 2 nd claimant in CRP(MD).No. 1878 of 2019
Velayutham	... Petitioner / 2 nd claimant in CRP(MD).No. 1879 of 2019

Vs.

The Oriental Insurance Company Limited,
through its Divisional Manager,
Office at Rohini Building,
Thagaraparambu Road,
Palavangadi,
Trivandrum - 695 023,
Kerala State.

.. Respondents in both CRPs

PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India to direct the learned Motor Accidents Claims Tribunal / Principal District Judge, Tirunelveli, to take on file in unnumbered I.A.SR.Nos. 3968 and 3969 of 2019 in MACOP.No.248 of 2017 on the file of the Principal District Judge, Tirunelveli.

For Petitioner in both CRPs : Mr.V. Sasikumar

COMMON ORDER

These Civil Revision Petitions are filed challenging the return of unnumbered I.A.SR.Nos. 3968 and 3969 of 2019 in MACOP.No.248 of 2017, on the file of the Motor Accidents Claims Tribunal / Principal District Judge, Tirunelveli.

2. The above un-numbered I.A.SR.Nos. 3968 and 3969 of 2019 in MACOP.No.248 of 2017 are filed by the revision petitioners to issue a pay order for a sum of Rs. 1,22,189/- in each petitions. However, the same was returned with an endorsement "without obtaining permission, how this petition is maintainable to be explained. Time one month." Challenging the said orders, the petitioners filed the Civil Revision Petitions.



3. According to the petitioners, there is no need for getting permission to file payment out application, since already there is a permission to withdraw the amount, if the third respondent / wife is not coming forward to receive the award amount, within a period of six months from the order of the Court below. He further contended that the application was filed by the petitioners on 19.09.2018, i.e., after expiry of one year from the date of award. Therefore, the Court below will have to adjudicate the matter, but, without numbering the same returned it.

4. I have heard the learned counsel appearing for the petitioners.

5. On perusal of the records, it is seen that the revision petitioners herein are the parents of the deceased and the third respondent in MCOP.No. 248 of 2017 viz., Rejitha, is the wife of the deceased and she was set ex parte before the Tribunal. The Tribunal has awarded a sum of Rs.2,18,100/- along with interest as compensation to her. The Interlocutory applications have been filed by the revision petitioners without impleading the deceased wife, however, in the order it has been stated that if the deceased wife is not coming forward to receive the award within a period of six months from the date of the order, the petitioners herein are permitted to withdraw the same after due notice to the second respondent therein. However, it is not known as to whether the said award was communicated to the deceased wife or not. This Court is of the view that the petitioners have to file an application by impleading the wife of the deceased viz., Rejitha, and in such event, the Court shall number the applications and order notice to the deceased wife and thereafter, the Court shall decide the matter on merits.

6. With these observations, these Civil Revision Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

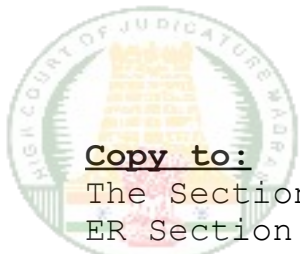
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Sub Assistant Registrar(CS)

trp

To

The Principal District Judge,
Motor Accidents Claims Tribunal, Tirunelveli.



Copy to:

The Section Officer, (2 Copies)
ER Section (Judicial)
Madurai Bench of Madras High Court, Madurai.

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+2 CC to M/s.V.SASI KUMAR, Advocate (SR-93428 & 93429[F] dated
22/10/2019)

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Dated: 21.10.2019

JMN(12.11.2019) 3P : 6C