



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.11.2019
CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WEB COPY

CRP (MD) No.1994 of 2019

and

CMP (MD) No.10284 of 2019

1. S.Hemalatha
2. Minor Balahariselvam
3. S.Balakrishnan
4. B.Koppammal
5. B.Kokila

... Petitioners

versus

1. The Branch Manager,
The Oriental Insurance Co. Ltd.,
Sri Nataraja Complex,
No.127/8, Madurai Road,
Virudhunagar - 626 001.

2. Santhi M.Vannan

... Respondents

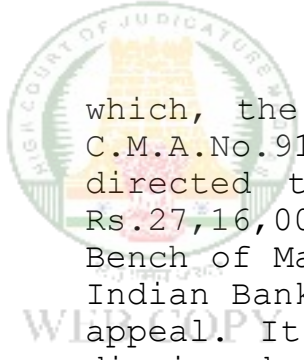
Revision Petition filed under Article 227 of the Constitution of India, against the docket order dated 29.04.2019 in unnumbered I.A. (in D.No.3497 of 2019) in E.P.No.65 of 2016 in MACTOP No.188 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Court), Srivilliputtur.

For Petitioners	:	M/s.A.Sivaji
For Respondents	:	Mr.K.Bhaskaran

ORDER

This Civil Revision Petition has been filed against the return of unnumbered I.A. filed in E.P.No.65 of 2016 in MACTOP No.188 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Court), Srivilliputtur.

2. The learned counsel appearing for the revision petitioners submitted that in respect of death of one Selvaraj, in an accident that had occurred on 15.02.2008, the petitioners herein, who are the legal heirs of the deceased, filed a claim petition in MACTOP No.188 of 2018 before the Motor Accident Claims Tribunal (Sub Court), Srivilliputtur, claiming compensation of Rs.75,00,000/-. In the said claim petition, the Tribunal, after considering oral and documentary evidence, awarded a sum of Rs.27,16,000/- as compensation, against



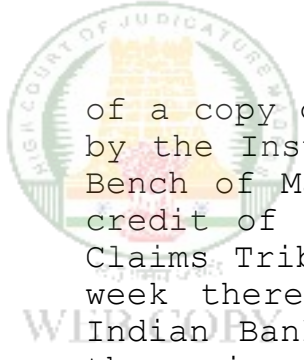
which, the Insurance Company preferred appeal before this Court in C.M.A.No.913 of 2015. This Court, while admitting the appeal, directed the Insurance Company to deposit the entire amount of Rs.27,16,000/- along with interest with the Indian Bank, Madurai Bench of Madras High Court, Madurai, which shall be deposited by the Indian Bank in an interest bearing account, till the disposal of the appeal. It is further submitted that C.M.A.(MD)No.913 of 2015 was dismissed by this Court on 04.01.2017. Therefore, the claimants filed execution petition in order to withdraw the compensation. Since the award amount was in deposit of the Indian Bank of Madurai Bench of Madras High Court, Execution Application has been filed before the Tribunal seeking a direction to the Insurance Company to surrender the original receipt before the Indian Bank of Madurai Bench of Madras High Court so as to enable the Bank to transfer the award amount along with interest to the credit of MACTOP No.188 of 2018 on the file of the Motor Accident Claims Tribunal (Sub Court), Srivilliputtur. However, the Court below refused to number the said application stating that the deposit was made as per the order of this Court.

3. Heard the learned counsel appearing for the revision petitioners and perused the records.

4. In the present case, originally, C.M.A.(MD)No.913 of 2015 filed by the Insurance Company/respondent herein was dismissed by this Court on 04.01.2017. Since the appeal has been dismissed, the revision petitioners, who are the claimants, are entitled to receive the entire award amount. But, this Court, while admitting the appeal, passed a conditional order to deposit the entire award amount along with interest with the Indian Bank. When that being the case, unless and otherwise the Insurance Company surrenders the receipt of deposit of the award amount before the Indian Bank, then only, the entire amount can be transferred to the Tribunal, so as to enable the claimants to receive the award amount. Since the conditional order was passed by this Court, the revision petitioners are before this Court.

5. The learned counsel appearing for the Insurance Company has also submitted that appropriate direction may be issued to the Insurance Company with regard to the same.

6. In view of the dismissal of the appeal in C.M.A(MD)No.913 of 2015 by this Court on 04.01.2017, there is no purpose in keeping the award amount in deposit with the Indian Bank attached to the Madurai Bench of Madras High Court. Therefore, this Court directs the Insurance Company to surrender the receipt of deposit before the Indian Bank, attached to the Madurai Bench of Madras High Court and transfer the same to the credit of MACTOP No.188 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Court), Srivilliputtur, so as to enable the claimants to withdraw their share amount within a period of one week from the date of receipt



of a copy of this order. In the event of receipt being surrendered by the Insurance Company, the Indian Bank attached to the Madurai Bench of Madras High Court shall transfer the entire amount to the credit of MACTOP No.188 of 2008 on the file of the Motor Accident Claims Tribunal (Sub Court), Srivilliputtur, within a period of one week thereafter. On the entire amount being transferred by the Indian Bank, the Tribunal shall transfer the respective shares of the major claimants directly to their Bank Account through RTGS within a period of three weeks thereafter. The share of the minor claimant shall be deposited in any one of the Nationalized Banks till she attains majority in a Fixed Deposit re-investment scheme and the interest accrued thereon shall be payable to her mother, viz. 1st claimant/1st respondent, once in six months by the Bank directly under intimation to the Tribunal.

7. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

To

1. The Branch Manager,
The Oriental Insurance Co. Ltd.,
Sri Nataraja Complex, No.127/8, Madurai Road,
Virudhunagar - 626 001.
2. The Motor Accident Claims Tribunal (Sub Court),
Srivilliputtur.
3. The Branch Manager,
Indian Bank,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.BHASKARAN, Advocate (SR-96785[F] dated 07/11/2019)
+1 CC to M/s.A.SIVAJI, Advocate (SR-97067[F] dated 08/11/2019)

CRP(MD)No.1994 of 2019

20.09.2019

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<https://hccs31courts.gov.in/cases/3P-6C>