

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2020

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

C.R.P.(PD)No.1132 of 2020

K.Muthusamy
S/o.Karuppanna Gounder

... Petitioner

Vs.

1.A.P.Palanisamy

2.The New India Assurance Company Limited,
By its Branch Manager,
No.92, East Coast Road, Chamber 1st Floor,
GN Chetty Road, T.Nagar,
Chennai.

... Respondents

(1st respondent remained ex-parte before the tribunal and no relief sought against 2nd respondent, hence, they are given up)

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India to issue direction directing the MACT/Sub Court at Rasipuram to number the IA (CFR) No.6842 of 2019 in MCOP No.549 of 2008 and to dispose of the same on merits within a stipulated period fixed by this Court.

For Petitioner

: Mr.MA.P.Thangavel

ORDER

The petitioner is the claimant in M.C.O.P.No.549 of 2008. The Tribunal awarded compensation for a sum of Rs.1,70,000/- with interest at the rate of 7.5% per annum from the date of filing of the claim petition. Hence, the petitioner filed a payment out petition in IA (CFR) No.6842 of 2019 dated 25.02.2019 for the purpose of withdrawing the money for setting up for drip water irrigation in his agricultural land for earning his livelihood. While that be so, the Tribunal returned the papers for filing medical certificate along with the petition.

2. This Court by order dated 14.07.2020 sought for remarks from the Court below. The report was submitted by the Sub Judge, Rasipuram, dated 21.08.2020, wherein it is stated that when the money is sought to be withdrawn on the ground of medical treatment, it is a usual procedure that the medical certificate should be produced for the welfare of the beneficiaries, if the petition is filed for withdrawal of whole amount. The medical certificate was sought only for the benefit of the petitioner in order to prevent siphoning of money indiscriminately. Instead of re-presenting the petition, the petitioner has directly approached this Court. The report submitted by the learned Sub-judge,

Rasipuram, is accepted. For trivial matters, (clerical returns) the petitioner shall not be advised to approach this Court by way of revision.

3. However, considering the request for withdrawal for setting up the drip water irrigation system, this Court is of the considered opinion that the Tribunal shall number the application and dispose of the same on merits. Accordingly, a direction is given to the Sub Court, Rasipuram to number IA (CFR) No.6842 of 2019, dated 25.02.2019 on its re-presentation by the petitioner and dispose of the same within a period of one month in accordance with law.

With the above direction, this Civil Revision Petition is disposed of. There shall be no order as to costs.

The Registry is directed to return the original papers to enable the petitioner to file re-presentation petition before the Tribunal.

28.08.2020

ms

M. GOVINDARAJ, J.

ms/asi

To

The Sub Judge,
MACT/Sub Court,
Rasipuram.



C.R.P.(NPD)No.1132 of 2020

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