



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Ninth day of January Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice M.DURAI SWAMY
and
The Hon'ble Mr.Justice T.RAVINDRAN

CMP (MD) No.675 of 2020
in
CMA (MD) SR.No.682 of 2020

1 A.MUTHULAKSHMI
2 MINOR.A.SAM AMIRTHARAJ
S/O.LATE.G.AKILARAJAN,
(MINOR REP BY HIS MOTHER - NATURAL
GUARDIAN 1st APPELLANT HEREIN ... PETITIONERS/APPELLANTS

Vs

1 M.MASANAM
2 THE ORIENTAL INSURANCE COMPANY LTD.,
REP BY ITS BRANCH MANAGER,
OLD No.145, NEW DOOR No.211, 1ST FLOOR,
SATHIYAMOORTHY ILLAM, SEKKALAI ROAD,
KARAIKUDI 630 001
3 RAJAYOGAM ... RESPONDENTS/RESPONDENTS
(R1 AND R3 ARE SET EXPARTE IN LOWER COURT-
NOTICE DISPENSED WITH)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to exempt the petitioner to pay the balance court fee of RS.24,508.50/- in the above CMA.SR.(MD).No.682 of 2020.

Prayer in CMA(MD)SR.No.682 of 2020 :

Civil Miscellaneous Appeal as against the Judgment and decree dated 07.01.2019 made in M.C.O.P.No.318 of 2015 on the file of the Motor Accident Claims Tribunal/Special District Judge for M.C.O.P. Cases, Madurai.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.PALANISAMY, Advocate for the petitioners, the court made the following order:-

WEB COPY

(Order of the Court was made by M.DURAI SWAMY, J)

The petitioners, who are the claimants in M.C.O.P.No.318 of 2015 on the file of the Motor Accident Claims Tribunal / Special District Court for M.C.O.P Cases, Madurai, have filed the above petition to exempt them from paying the balance Court fee of Rs.24,508.20 in C.M.A(MD)SR.No.682 of 2020.

2.The petitioners / claimants have filed the above appeal seeking for enhancement of the compensation. Before the Motor Accident Claims Tribunal, the claimants claimed a total compensation of Rs.50,00,000/- and the Tribunal awarded a sum of Rs.25,47,450/- together with accrued interests and costs.

3.The learned counsel appearing for the petitioners submitted that pursuant to the award passed in M.C.O.P.No.318 of 2015, the second respondent has also deposited the amount as awarded by the Tribunal.

4.When the Tribunal awarded a sum of Rs.25,47,450/- which is in the hands of the claimants they cannot be given any exemption from paying the balance Court fee of Rs.24,508.50.

5.From the materials available on record, it is clear that the petitioners/ claimants have got means to pay the Court fee. That being the case, the petition filed by them seeking exemption from paying the Court fee cannot be allowed.

6.In such view of the matter, the petition is devoid of merits and the same is dismissed. However, the petitioners are permitted to pay the Court fee within a period of two weeks from today.

sd/-
29/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL/
SPECIAL DISTRICT JUDGE FOR M.C.O.P.CASES,
MADURAI.

WEB COPY

+1 CC to M/s.N.PALANISAMY, Advocate (SR-1730[I] dated 29/01/2020)

ORDER

IN

CMP(MD) No.675 of 2020 in

CMA(MD) SR.No.682 of 2020

Date :29/01/2020

PS

TE/JC/SAR-IV : 03/02/2020 : 3P/3C