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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P. (PD) (MD)Nos.726 and 727 of 2020

Minor S.Mariselvam
represented by his Natural Guardian and Next Friend
Maternal Uncle, Krishnasamy

: Petitioner/Petitioner/1st Petitioner
in C.R.P. (MD)No.726 of 2020

Minor S.Vignesh
represented by his Natural Guardian and Next Friend
Maternal Uncle, Krishnasamy

: Petitioner/Petitioner/2ndPetitioner
in C.R.P. (MD)No.727 of 2020

.. Vs ..

The Branch Manager,
United India Insurance Company Limited,
No.394/8, Near Lucky Petrol Bunk (MKS Petrol Bunk),
Srivilliputhur Town,
Virudhunagar District.

: Respondent/Respondent/2nd Respondent
in both cases

COMMON PRAYER: Civil Revision Petitions are filed under Article 227 of Constitution of India, to set aside the order made in I.A.Nos.339 and 340 of 2020 in M.C.O.P.No.83 of 2018, dated 18.08.2020 on the file of the Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

For Petitioner	:Mr.M.Thirunavukkarasu
For Respondent	:Mr.I.Sudhakaran
	(in both cases)

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COMMON ORDER

These Civil Revision Petitions are directed against the orders passed by the learned Chief Judicial Magistrate, Virudhunagar at Srivilliputhur, in I.A.Nos.339 and 340 of 2020 in M.C.O.P.No.83 of 2018, dated 18.08.2020.



2. Heard the learned Counsel appearing for the petitioners and the learned Counsel for the respondent.

3. By consent of both parties, these Civil Revision Petitions are taken up for final disposal at the stage of admission itself.

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4. The petitioners are the claimants and they filed claim petition before the Motor Accidents Claims Tribunal-cum-Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur in M.C.O.P.No.83 of 2018 claiming for a sum of Rs.15,00,000/-, as compensation for the death of their mother. The Tribunal awarded a sum of Rs.16,57,040/- as compensation. Since the claimants are minors, the Tribunal did not permit to withdraw any amount on behalf of minors.

5. In the said circumstances, the revision petitioners filed interlocutory applications in I.A.Nos.339 and 340 of 2020 in M.C.O.P.No.83 of 2018 to withdraw the amount, that was awarded in their favour of along with interest. However, the learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, dismissed the both applications and did not permit the petitioners to withdraw the amount. As against the order of learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, the above Civil Revision Petitions are filed.

6. The learned Counsel for the revision petitioners produced before this Court, some documents to show that the guardian of the minors is incurring expenses towards the study and accommodation of the minors. It is further represented that one of the minors is accommodated in a hostel. It is also stated that the guardian of the minor petitioners is engaged only as a Cleaner and that his income is very meagre.

7. Though this Court is of the view that the order passed by the learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, cannot be faulted, considering the fact that the legitimate expenses for the minors has to be met by the Guardian, who is not financially sound and having regard to the peculiar facts and circumstances of the case, this Court is inclined to pass the following order:

7.1. The minor petitioners are permitted to withdraw Rs.1,00,000/- each out of their share towards their educational and personal expenses. The maternal uncle of the minors, who is also the guardian of the minors, is requested to keep proper accounts for all the expenses. Apart from the amount that can be withdrawn by the Guardian on behalf of the minors as per this direction, it is also open to the minors to withdraw the interest accrued once in six months.



8. Accordingly, these Civil Revision Petitions are disposed of and the order of learned Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur, in I.A.Nos.339 and 340 of 2020 in M.C.O.P.No.83 of 2018, dated 18.08.2020 is set aside with further directions as indicated above. No costs.

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Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

Copy to: The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.(2)

+2 CC to Mr.I.SUTHAKARAN, Advocate SR-18628.

C.R.P. (PD) (MD)Nos.726 and 727 of 2020
01.10.2020

MR (CO)

CS (02.11.2020) 3P 6C