



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

C.R.P (MD)No.1072 of 2020

R.Selvam

...Petitioner/Petitioner/Petitioner

Vs.

1.G.Jambulingam

2.Cholamandalam MS General
Insurance Company Ltd.,
2nd Floor, TAB Complex,
Cantonment,
Trichy - 620 001

..Respondents/Respondents/Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 14.10.2019 passed in I.A.No.1725 of 2019 in M.C.O.P.No.863 of 2017 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge, Tiruchirappalli.

For Petitioner : Mr.K.Benjamin

ORDER

The revision petitioner is the claimant before the Tribunal and has been awarded a compensation of Rs. 24,50,000/- in M.C.O.P.No.863 of 2017 on the file of the Motor Accidents Claims Tribunal/Special Subordinate Court, Tiruchirappalli. The claimant was permitted to withdraw Rs.14,50,000/- and as per the award, the remaining Rs.10 lakhs is required to be deposited in a nationalized bank. It is for withdrawing this amount, the revision petitioner has approached the Tribunal in I.A.No.1725 of 2019 which the Tribunal has dismissed on the ground that since the award has stipulated Rs.10 lakhs has to be deposited in a nationalized bank, the same cannot be permitted to be withdrawn.

2. Heard the learned counsel for the petitioner.

3. What the Tribunal has ignored is that Rs.10 lakhs belongs to the revision petitioner/claimant and not to anybody else. It is the revision petitioner's money, he is demanding. He is not a



minor and the court cannot become over apprehensive as to how the award amount might be applied by him. Since the revision petitioner is not somebody who suffers from any legal incapacity, he is at liberty to utilize his asset and the same may not be interfered by this Court. Hence, the order dated 14.10.2019 passed in I.A.No.1725 of 2019 in M.C.O.P.No.863 of 2017 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge, Tiruchirappalli, is set aside.

4. In conclusion, this Court allows this civil revision petition. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

CM

To

- 1.The Special Subordinate Judge,
Motor Accident Claims Tribunal,
Tiruchirappalli.
- 2.The V.R.Section-2 copies
Madurai Bench of Madras High Court,
Madurai.

+1 cc to Mr.K.Benjamin , Advocate SR.No.27018

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