

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2021

CORAM

THE HON'BLE MR. JUSTICE C.V. KARTHIKEYAN

C.R.P. (PD) No. 803 of 2021

Sahithya

... Petitioner

-VS-

1. Murugaboopathi

2. The Branch Manager,
New India Assurance Company Ltd.,
69-C, North Ratha Street,
Thiruchegode.

... Respondents

Prayer:- Civil Revision Petition filed under Article 227 of the Constitution of India, 1950, praying to direct the Learned Subordinate Judge, Rasipuram to entertain unnumbered I.A. No. of 2018 in M.C.O.P. No. 31 of 2010 and number the same and allow the C.R.P.

For Petitioner : Mr. R.Nalliyappan

For Respondents : No appearance

ORDER

The Civil Revision Petition has been filed aggrieved by the fact that the application filed by the Petitioner herein had been returned by the Sub Court, Rasipuram/Motor Accidents Claims Tribunal.

2. The M.C.O.P. No. 31 of 2010 had been originally filed seeking compensation in respect of road accident. The Trial Court in the course of its judgment had granted award of Rs.16,32,000/- (Rupees Sixteen Lakh Thirty Two Thousand only). A compromise had been arrived at between the Petitioner in the M.C.O.P. and the Second Respondent, viz., Officers of the New India Assurance Company Limited at Thiruchengode. The Second Respondent deposited the entire amount which had been arrived in the compromise between the Petitioner and the Second Respondent along with interest. That deposit was also accepted by the Court of the first instance where the trial took place and where the judgment and decree had been passed.

3. At that particular point of time, the Petitioner herein and the Third and Fourth Claimants were minors and therefore, their apportioned amount or rather the amounts to which they were held to be entitled by apportioning the total amount had been deposited into a bank account. The Petitioner has now attained the age of majority. Therefore, she claims entitlement for withdrawal of the amount lying in the bank account. She had filed an application for that reason before the Motor Accidents Claims Tribunal, viz., Sub Court, Rasipuram. Unfortunately, the said Petition seems to have circulated around in

the office itself and no effective order has been passed by the Learned Judge. A note had been put up stating that the amount which was actually granted as award was different from the amount mentioned in the Petition.

4. I am really unable to understand the rationale behind such a return. The Petitioner only seeks return of amount deposited in the bank account which has been lying in the fixed deposit from the time when Petitioner was minor and for which she is entitled to after attaining the age of majority. The Court shall call for the requisite details from the bank authorities and find out the amount due and payable to the Petitioner. There is no issue regarding the identity of the Petitioner and that the Petitioner is the person in respect of whom the amount had been deposited. There is also no rival claimant to the claim of the Petitioner. If there is a dispute with respect to the amount, it is only because an award was originally granted and thereafter, a compromise had been entered into and the Insurance Company had deposited the entire compromise amount with interest. The Court can very well call upon the Registry of the Court to do the clerical work to determine the amount due and payable to the Petitioner and pay the amount to the petitioner.

5. I find that no reason to justify the return of the application filed by the Petitioner. Learned Sub Judge, Rasipuram is requested to take on file the said Petition, call for the details and if required, examine the present Petitioner, examine the records and determine the amount payable and pay the amount to the Petitioner. It has to be kept in mind that the entire proceedings in a Motor Accidents Claims Tribunal are for the welfare of the litigant who had suffered economic loss quite apart from the loss of dear and near ones in an accident. Taking a stringent and strict view may not be appreciated particularly when it is an issue of payment of an amount which is already lying in the bank account for which the Petitioner is entitled to on attaining the age of majority. The Petition may be taken on file and the Petitioner may be advised to satisfy the requirements therein and necessary orders may be passed.

6. The Civil Revision Petition is allowed with a direction to act accordingly. No order as to costs.

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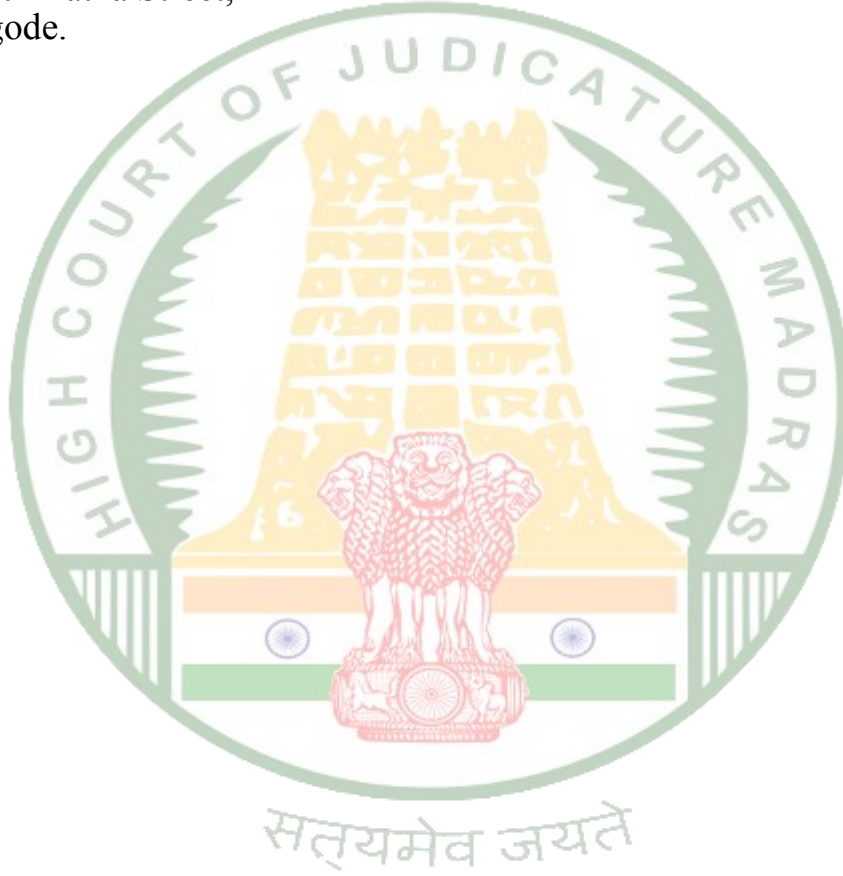
Index: Yes/No

Internet: Yes/No

Speaking Order/Non-speaking Order

To

1. The Sub Court,
Rasipuram.
2. The Branch Manager,
New India Assurance Company Ltd.,
69-C, North Ratha Street,
Thiruchegode.



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C.V. KARTHIKEYAN, J.

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