

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P. (PD) Nos.793, 799, 800 of 2021

Valarmathi .. Petitioner/Petitioner/Respondent
(in all the CRPs.)

Vs

1.Sellan
2.K.Palanisamy
3.Thangaraj

.. 1st Respondent/Respondent/Petitioner
(in all the CRPs.)

4.The Branch Manager
National Insurance Company Ltd.,
Branch Office, Rajaji Street,
Kangayam, Thiruppur District.

.. 2nd Respondent/Respondent/Respondent
(in all the CRPs.)

Civil Revision Petitions filed under Article 227 of Code of Civil Procedure to direct the learned Subordinate Judge, (Motor Accident Claims Tribunal), Namakkal to entertain unnumbered I.A.No. in MCOP.No.371 of 2008, 368 of 2008 and 370 of 2008 and number the same and dispose of the same within the time frame and allow the above Civil Revision Petitions.

For Petitioner .. Mr.R.Nalliyappan

For Respondent .. No appearance

ORDER

Notice is not required to be issued in all the three Revision Petitions.

2.Heard Mr.R.Nalliyappan, learned counsel for the petitioner.

3.The present petitioner had filed the three Revision Petitions. She is the owner of a vehicle which met with an accident. The 1st respondent in all the three Revision Petitions traveled in the said vehicle and suffered injuries.

4.Naturally, they filed claim petitions under the Motor Vehicles Act, before the Competent Court seeking compensation. In the mean while, the present petitioner who was shown as 1st respondent had been set exparte in the proceedings. The 1st respondent thereafter came before this Court aggrieved by the fact that an exparte decree had been passed.

5.In an order in an earlier Revision Petition, a learned Single Judge of this Court had directed the present petitioner to deposit 50% of the decretal value to the credit of individual Motor Claim Original Petitions in the court where the trial is taking place.

6.As directed, the petitioner had deposited 50% of the decretal value. Thereafter, the trial proceeded with respect to the claim for compensation, and a decree was also passed. That was challenged before this Court by filing Civil Miscellaneous Appeals. A decree was also passed but fastening entire liability of the 2nd respondent / Insurance Company.

7.It is informed by Mr.Nalliyappan, learned counsel for the petitioner that the 2nd respondent had deposited the entire decretal amount with respect to the three claimants before the Trial Court. However, the 1st respondent herein in all the Revision Petition who were the claimants had also withdrawn the 50% of the amounts deposited by the petitioner herein which were lying to the credit of the Trial Court.

8.The petitioner herein filed Interlocutory Application seeking withdrawal of the amounts deposited by her. That was rejected in the SR stage itself on the ground that there no such permission was granted in the decree passed in the Civil Miscellaneous Appeals.

9.I asked Mr.R.Nalliyappan, learned counsel for the petitioner, to explain how a Revision Petition can be maintained when an amendment could be sought in the decree passed in the Civil Miscellaneous Appeals permitting the petitioner herein to withdraw the amounts deposited and which are now lying unclaimed by any of the claimants in the Trial Court.

10.However, Mr.R.Nalliyappan, learned counsel for the petitioner stated that the jurisdiction of this Court is not ousted since the revisions are preferred only against the order rejecting to take on file the Interlocutory Applications.

11.Be that as it may, instead of directing the petitioner to go back to the Trial Court and obtain necessary orders on the applications being numbered, I direct the particular Trial Court, namely, the Subordinate Court, Rasipuram, where all the three Motor Claim Original Petitions are pending to take on file the Interlocutory Applications, issue notice to the respective claimants and if they do not raise any objection return back the amounts to the present petitioner herein.

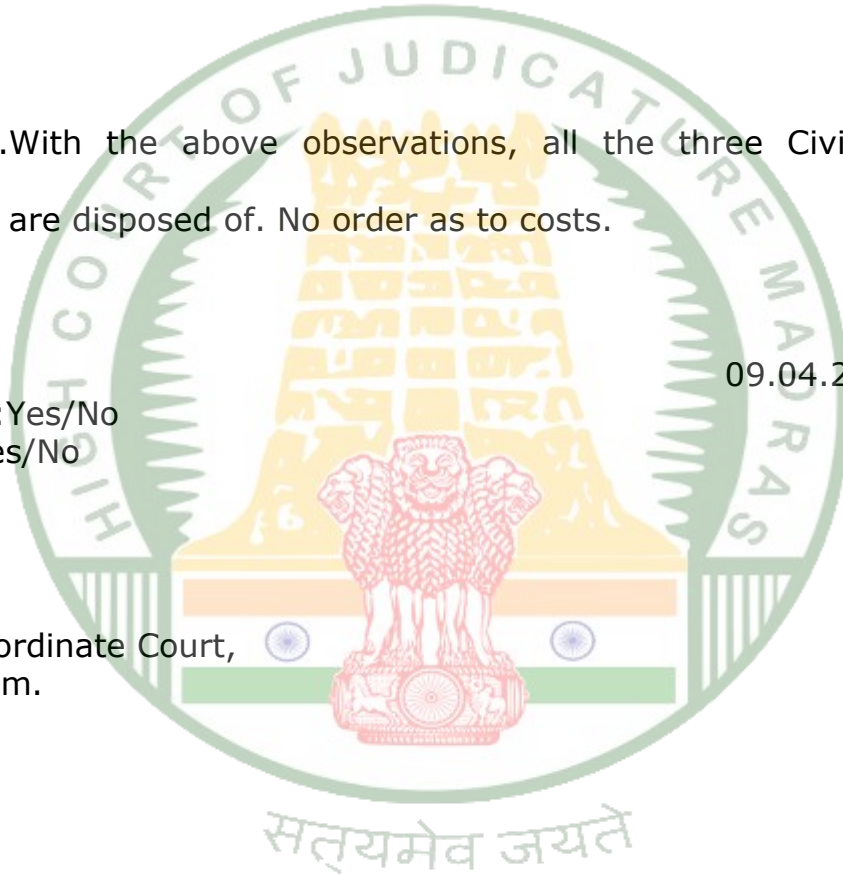
12.I am informed that the 1st respondent / claimants have already made an endorsement that they have no objection. But anyway the point may be clarified by the learned Subordinate Judge, Rasipuram and final orders be passed permitting the petitioners herein to withdraw the amount.

13.With the above observations, all the three Civil Revision Petitions are disposed of. No order as to costs.

09.04.2021

Internet:Yes/No
Index:Yes/No
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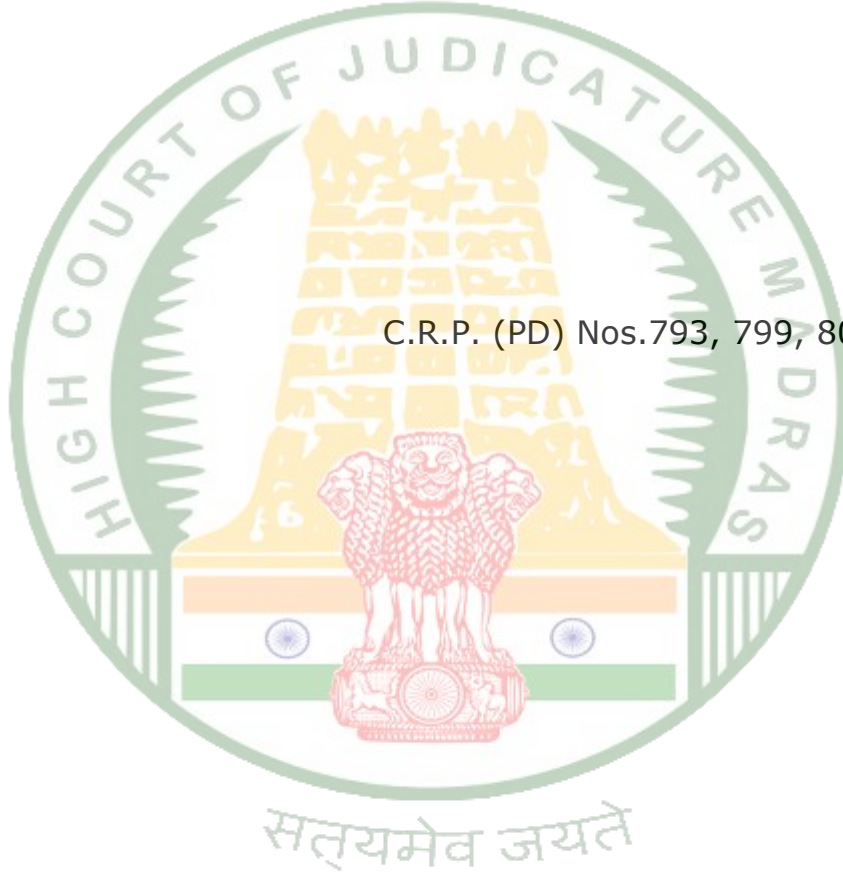
To
The Subordinate Court,
Rasipuram.



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C.V.KARTHIKEYAN,J.

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