

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

C.R.P(NPD).No.926 of 2021

Nisha

...Petitioner

Vs

1.Gnanavel

2.The National Insurance Company,
No.122/165, Neethanji Road,
Manjakuppam, 1st Floor,
Cuddalore – 1.

3.Poorkodi

4.United India Insurance Company,
13-Nethaji Road, Manjakuppam,
Cuddalore – 1.

...Respondents

(R1, R3 and R4 remained exparte)

Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed in I.A.(Diary) No.6873 of 2021 in M.C.O.P.No.1177 of 2011 Motor Accidents Claim Tribunal [Principal District Judge], Cuddalore, dated 23.03.2021.

For Petitioner : Mr.R.Muralidharan Venkidusamy

ORDER

The petitioner was a minor when she was represented by her mother who filed M.C.O.P.No.1177 of 2011 before the Principal District Court at Cuddalore in view of the injuries suffered in a motor accident. On 16.10.2015, the Motor Accident Claims Tribunal awarded a sum of Rs.3,34,000/- together with interest as against the second respondent, namely, National Insurance Company Limited, Manjakuppam, Cuddalore.

2.The petitioner filed C.M.A.No.2373 of 2018 before this Court seeking enhancement of the award. By order dated 11.01.2019, the award was increased to Rs.9,83,135/- together with interest at 7.5%. Subsequently, the petitioner attained the age of majority and that was also recognized in I.A.No.3054 of 2019. The petitioner then filed I.A.No.3744 of 2020 seeking a sum of Rs.5,41,404/- and part satisfaction was also recorded. On 18.02.2021, the petitioner filed another application, which had been returned even without being taken on file and which return is the subject matter of the present Civil Revision Petition.

3.In the said application, the petitioner sought to receive the balance 50% of the sum, namely, Rs.5,41,404/-. The learned Motor Accidents Claim Tribunal [Principal District Judge], Cuddalore, however returned the said application questioning the locus of the petitioner to claim further amounts since the High Court by passing orders in C.M.A.No.2373 of 2018 though had enhanced the award had permitted the petitioner to withdraw only 50% and the balance to be deposited for a period of three years. That deposit will always be subject to the condition that the petitioner attains the age of majority. Once the petitioner had attained the age of majority and that fact had been recorded by the Court in I.A.No.3054 of 2019, an inherent right arises for the petitioner to seek return of the balance amount lying in the Court deposit. The identity of the petitioner is not in question. That the petitioner was represented by her mother when she was a minor in M.C.O.P.No.1177 of 2011 and that she actually suffered injuries in the accident are also not under dispute or was questioned by the learned Tribunal. Further, that the petitioner is not at all entitled to the amount is also not the case of the Tribunal. It is only held out that the amount was

deposited for a period of three years as directed by the High Court. But since the petitioner had attained the age of majority, if she pleads sufficient cause, the Tribunal has every right to examine such cause and also permit withdrawal of the amount.

4.In the application filed, it had been stated that the petitioner had been born on 28.07.1999, had attained the age of majority and therefore, she also seeks return of the amount now lying in Court deposit. It has also been stated by her that there are arrangements being made for her marriage and as a matter of fact, Mr.Muralidharan Venkidusamy, learned counsel for the petitioner states that the marriage had actually being arranged and is due to be held very shortly. There cannot be a better reason for seeking return of the amount.

5.Therefore, a direction is issued to the Principal District Court/Motor Accident Claims Tribunal at Cuddalore to reexamine the petitioner and pass necessary orders for payment of balance amount of Rs.5,41,404/- now lying in the Court deposit to the credit of M.C.O.P.No.1177 of 2011 after taking

necessary undertakings and acknowledgements as is normally required for return of amount to any petitioner.

6.It is also informed by Mr.Muralidharan Venkidusamy, that on 10.03.2021, a further amount of Rs.5,91,701/- had been deposited to the credit of M.C.O.P.No.1177 of 2011. But that is not the subject matter of the present Civil Revision Petition and if at all an application is filed seeking return, the learned Judge may follow due procedure, examine the facts and take a considered decision on the same.

6.With the above observations, the Civil Revision Petition is disposed of. No order as to costs.

27.04.2021

cse

Index:Yes/No

Internet: Yes/No

Note: The Registry shall return the original documents, if filed in the present Civil Revision Petition, on it being substituted with true copies to the petitioner under due acknowledgment.

C.V.KARTHIKEYAN, J,

cse

To

The Motor Accidents Claim Tribunal
[Principal District Judge], Cuddalore



C.R.P.(NPD)No.926 of 2021

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