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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2021

CORAM:

THE HONOURABLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P. No.1477 of 2021
(Through Video Conference)

Minor Tamilmaran
S/o.Velmurugan
Rep. By its Natural Guardian and N.F.
Father Velmurugan,
No.247 South Street
Melamathur Post, Alathur Taluk
Perambalur District.

.. Petitioner

Versus

1.K.Manidoss

2.T.Sathiyaraj

3.Cholamandalam Ms General Insurance Co. ltd.,
No.157 Bazaar Street,
Perambalur
rep. By its Manager,
Policy No.3373/00493701/000/01

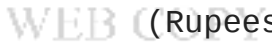
.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order dated 17.12.2020 passed by Chairman, Principal District Judge, District Legal Services Authority Perambalur in Lok Adalat Case No.185/2020 M.C.O.P.No.570 of 2019 on the file of the Motor Accident Claims Tribunal, Perambalur.

For Petitioner : M/s. C.Sangamithirai

O R D E R

This Civil Revision Petition is filed to set aside the order dated 17.12.2020 passed by the Chairman, Principal District Judge, District Legal Services Authority, Perambalur in Lok Adalat Case No.185/2020 in M.C.O.P.No.570 of 2019 on the file of Motor Accidents Claims Tribunal, Perambalur.



2. The learned counsel for the petitioner submitted that this M.C.O.P. got settled in Lok Adalat on 17.12.2020. One of the terms of settlement is that, the 3rd respondent has to deposit the entire settled Award amount (i.e.) Rs.4,75,000/- (Rupees Four Lakhs Seventy Five Thousand only) in full quit of the claim, within a period of four(04) weeks from the date of the Award to the credit of the Bank Account of the Claims Tribunal directly by NEFT or FTGS. Another term of the settlement is that the Guardian of the minor petitioner is permitted to withdraw the Award amount as soon as the amount is deposited by the third respondent.

3. Learned counsel for the petitioner further submits that the amount has been deposited by the third respondent to the credit of the bank account of the Claims Tribunal. However, she submitted that against the Terms of Settlement, the learned Judge passed an order that, the petitioner is a minor and the Award amount is to be deposited in the Court till he attains majority, giving permission to the Guardian to withdraw interest once in three months. Against this condition to deposit the amount in Court till he attains majority, the petitioner has come up with the present civil revision petition.

4. It is the submission of the learned counsel for the petitioner that the minor Tamilmaran, suffered a head injury due to an accident that took place on 20.04.2019 and he has to be given continuous treatment. If the amount is not made available, it is not possible to provide necessary treatment for him. Therefore, the learned counsel requested that at least 50% of the amount may be directed to be paid to the petitioner for meeting his medical expenses. Column 11 of the M.C.O.P. petition shows that the petitioner suffered head injury.

5. Considering the facts and submissions made, this Court directs the petitioner to approach the Motor Accident Claims Tribunal, Perambalur by filing a petition seeking permission to withdraw the amount required to meet the medical expenses of the minor Tamilmaran, supported by necessary medical records, and on filing such petition, the learned Judge is directed to pass appropriate orders considering the request for releasing 50% of the amount for meeting the medical expenses of the minor Tamilmaran.



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6. With these directions, this Civil Revision Petition stands Ordered accordingly. No costs.

Sd/-
Assistant Registrar (CS-IV)

// True Copy //

Sub Assistant Registrar

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To:

1. The Chairman,
Principal District Judge,
District Legal Services Authority,
Perambalur

2. Motor Accident Claims Tribunal, Perambalur.

+1CC to M/s.C.Sangamithirai , Advocate, SR.No. 38196

C.R.P. No.1477 of 2021

PM(CO)
B.VC (26/08/2021)