

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

C.R.P. (NPD) Nos.1277 and 1278 of 2021

Manickam

...

Petitioner
(In C.R.P.No.1277/2021)

Shanmugavalli

...

Petitioner
(In C.R.P.No.1288/2021)

versus

1A.Vanjinathan

2.The Divisional Manager,
National Insurance Company Limited (D.O.1)
PB.No.772,2nd Floor,LRN Complex.
Saradha College Road,
Salem – 636 007.

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Respondents
(In Both the C.R.P.s)

PRAYER: Civil Revision Petition has been filed Under Article 227 of the Constitution of India, to set aside the order dated 09.02.2021 made in I.A.Nos. 1761 and 1760 of 2020 in M.C.O.P.No.1751 of 2017 respectively, on the file of the Learned Special District Judge(MACT), Salem.

For Petitioners : Mr.M.Baskran
In Both C.R.P.s

ORDER

These Civil Revision Petitions are directed against the orders made in I.A.Nos. 1761 and 1760 of 2020 in M.C.O.P.No.1751 of 2017 respectively dated 09.02.2021, on the file of the Learned Special District Judge (MACT), Salem.

2. The learned counsel for the petitioners submitted that the petitioners' daughter Indumathi died in a road accident. She was unmarried at the time of the accident and the petitioners are the only legal representatives. The petitioners filed M.C.O.P.No.1751 of 2017 claiming compensation under the Motor Vehicles Act. The Tribunal after considering the oral and documentary evidence produced on behalf of the parties, awarded a sum of Rs.27,91,600/- as compensation in the case. The 1st petitioner/ the petitioner in CRP.No.1278 of 2021 was awarded a sum of Rs.15,91,600/- and the 2nd petitioner/ the petitioner in CRP.No.1277 of 2021

was awarded a sum of Rs.12,00,000/- in the order. They were also permitted to withdraw 50% of the said amount. Accordingly, 50% of the award amount was withdrawn by both the petitioners.

3. The learned counsel for the petitioners further submitted that the 2nd petitioner has retired from government service and the 1st petitioner is running a hotel business. Now, after retirement, the 2nd petitioner is also looking after the hotel business. In order to improve the hotel business and for further investment, the petitioners have filed the petitions to withdraw the balance 50% of the award amount deposited in the Fixed Deposit scheme with the Bank. He would further submit that without considering the genuine requirement of the petitioners, their applications have been rejected. Therefore, he prays for setting aside the order of the learned Special District Judge (MACT), Salem made in I.A.Nos. 1761 and 1760 of 2020 in M.C.O.P.No.1751 of 2017 dated 09.02.2021 and allowing the applications for withdrawing the amounts.

4. From the submissions of the learned counsel for the petitioners, it could be seen that the 2nd petitioner is a graduate and he was also a former Government servant. The petitioners claimed to have already started the hotel business and they want to improve the business by investing the amount. Though, the petitioners say that they wanted to invest the amount for improving the hotel business, it appears that they have not produced any evidence in support of their claim. No evidence has been produced to show that the petitioners are already running a hotel business. However, the Rules have been framed under the Motor Vehicles Act, taking into consideration the prime objective that the parties should not waste the compensation money and the money should be used for productive purpose by the legal heirs of the victim.

5. In the case on hand, the petitioners are the parents of the deceased daughter who died un-married. There are no other legal representatives to the deceased. The award amount entirely belongs to them. There is no possibility for the petitioners misusing or wasting the

money. In such view of the matter, this court is inclined to allow the said petitions for withdrawing the remaining award amount.

6. Accordingly, the orders made in I.A.Nos. 1761 and 1760 of 2020 in M.C.O.P.No.1751 of 2017 dated 09.02.2021 by the learned Special District Judge(MACT), Salem, are set aside and these Civil Revision Petitions are allowed and the petitioners are entitled to withdraw the remaining award amount. No costs.

20.09.2021

Speaking order / Non-speaking order

Index : Yes / No

dsa/psa

To

The Learned Special District Judge(MACT),
Salem.

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G.CHANDRASEKHARAN, J.

dsa/psa



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