



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) .No.307 of 2021
and
C.M.P (MD) .No.1724 of 2021

1.Hathoon Beevi
2.Minor.Mohamed Azrab
3.Minor.Sahana
4.Midden
5.Raheem Bee ... Petitioners/Petitioners
(Petitioners 2 and 3 are minors represented by
their mother and guardian petitioner No.1)

vs.

The Divisional Manager
Tamil Nadu State Transport Corporation
Madurai 625 016Respondent/Respondent

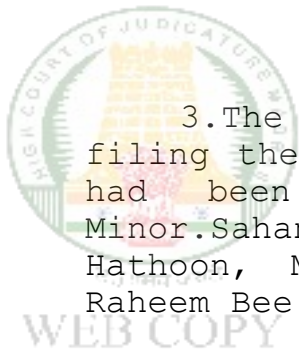
PRAYER: This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to call for the records and set aside the fair and decreetal order dated 03.12.2019 made in I.A.No.1657 of 2019 in M.C.O.P.No.577 of 2014 on the file of the Motor Accident Claims Tribunal, the Special District Court to deal with Motor Accident Cases, Madurai, and allow this Civil Revision Petition.

For Petitioners : Ms.J.R.Annie Abinaya
For Respondent : Mr.D.Sivaraman

ORDER

This Civil Revision Petition has been filed to call for the records and set aside the fair and decreetal order dated 03.12.2019 made in I.A.No.1657 of 2019 in M.C.O.P.No.577 of 2014 on the file of the Motor Accident Claims Tribunal, the Special District Court to deal with Motor Accident Cases, Madurai and allow this Civil Revision Petition.

2.The petitioner has filed the application in I.A.No.1657 of 2019 for amendment in the cause title where the learned Judge has dismissed the said application stating that there is no reason stated for the delay in filing the application for amendment.



3.The learned counsel for the petitioner would state that while filing the interlocutory application, the names of the petitioners had been stated as Hathoon Beevi, Minor.Mohamed Azarab, Minor.Sahana, Midden and Raheem Bee, but the names have to be Hathoon, Minor.Mohamed Azrab, Minor.Sahana Parveen, Moideen and Raheem Bee Sanba.

4.The learned counsel for the respondent would state that the matter has been settled before the Lok Adalat and the identity of the parties is not disputed and therefore, there is no objection for him to allow the amendment petition. He would also state that the entire award amount has already been deposited before the lower Court.

5.Heard the learned counsel for the petitioners as well as the respondent.

6.It is a case where the matter has been settled before the Lok Adalat organised by the District Legal Services Authority, Madurai, on 09.03.2019 and a sum of Rs.14,00,000/- has been deposited. The learned counsel for the respondent has also stated that identity of the parties is not disputed. When the matter has been settled before the Lok Adalat, the parties should not be made to suffer for technicalities. When the identity of the parties is not in dispute, the learned Judge ought to have allowed the amendment application as the amount is already deposited before the Court below. Since the matter is of the year 2014 and since the matter is settled before the Lok Adalat, ends of justice would be met, if the order passed by the learned Judge is set aside.

7.Accordingly, the fair and decreetal order dated 03.12.2019 made in I.A.No.1657 of 2019 in M.C.O.P.No.577 of 2014 on the file of the Motor Accident Claims Tribunal, the Special District Court to deal with Motor Accident Cases, Madurai, is set aside and the amendment petition is ordered as prayed for and the petitioners/claimants are permitted to withdraw the award amount as ordered by the Court below without filing formal permission petition before the Court below.

8.With the above observation and direction, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

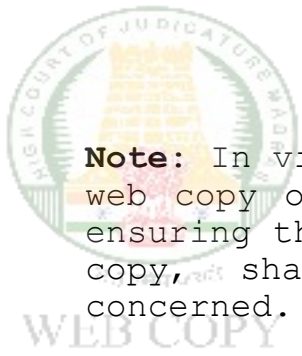
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1) The Judge,
Motor Accident Claims Tribunal,
The Special District Court,
Madurai.
- 2) The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2-copies)

+1CC to Ms.J.R.ANNIE ABINAYA, Advocate (SR-7968[F] dated 01/03/2021)

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-8074[F] dated 02/03/2021)

ORDER MADE IN
C.R.P. (MD) .No.307 of 2021 and
C.M.P (MD) .No.1724 of 2021
DATED : 01.03.2021

SJ(CO)
SRS (11/03/2021) 3P : 6C