



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.12.2021**

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

**C.R.P. (MD) No.1597 of 2021**

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Muniandi Santha (died)

1.Vikneswaran Trevor

2.Muneswaran Trevor

... Petitioners

vs.

1.S.M.R.Rajasekar

2.The United India Insurance Company Limited,  
through its Regional Manager,  
7-1, West Veli Street,  
Madurai.

3.R.Venkatakrishnam

4.The United India Insurance Company,  
through its Branch Manager,  
No.28, Second Floor,  
Mailam Road,  
Thindivanam,  
Villupuram District.

... Respondents

**PRAYER:-** This Petition is filed under Article 227 of the Constitution of India, to set aside the docket order of the learned 1st Additional District Judge, Motor Accident Claims Tribunal, Madurai dated 30.11.2020 made in Unnumbered I.A.SR.No.5684 of 2019 in MCOP.No.659 of 2001.

For Petitioner : Mr.P.M.Sozhendran

### **ORDER**

The petitioners have challenged the order passed by the learned 1st Additional District Judge, Motor Accident Claims Tribunal, Madurai in returning the petition for payment filed by the petitioners herein on the ground that since the petitioners were seeking to transfer the decree amount to their account in a foreign

<https://hcservices.mca.gov.in/hcservices/>



petition was returned with a cheque. This order is the subject matter of challenge in the above Civil Revision Petition.

2. Pursuant to the orders of this Court dated 22.10.2021, the Registry has addressed a letter to the Branch Manager, Indian Bank attached to this Bench to report as to how and in what manner the decretal amount is transferred to the claimants resided in foreign countries. The respondent Bank vide a reply dated 18.11.2021 had given the following probable modes to transfer the decretal amount to the claimants resided in foreign countries.

*"i) The person may open an INR NRO a/c or any other allowed a/c with a bank in India (subject to local requirements in India) and deposit the INR cheque in India a/c for clearing and then request the bank in India to remit the funds to his foreign account with Form A.*

*ii) The payer/drawer issue a foreign currency demand draft through its bank in favour of beneficiary or make a direct payment in beneficiary a/c (subject to remittance country/bank's requirement).*

*iii) The respective INR cheque may be sent on collection by the customer through the bank he is banking, to the India based bank (the conversion and collection subject to comply of local laws and regulation in India).*

*iv) The Hon'ble Court also can direct the Bank wherein the Court account exists for conversion of rupees into foreign currency."*

3. In the above circumstances, the petitioners are now directed to re-present the above unnumbered application before the learned 1st Additional District Judge, Motor Accident Claims Tribunal, Madurai and on receipt of the petition, the Tribunal is directed to issue a fresh Demand Draft in foreign currency favouring the petitioners. If the petitioners want to provide the details of their accounts in foreign country, then a direct payment can be made in foreign currency by the State Bank of India, Madurai, equivalent to a sum of Rs.24,29,394/- to the beneficiaries account. The said exercise shall be completed within a period of one month from the date of representing the above unnumbered petition in I.A.SR.No.5684 of 2019 in MCOP.No.659 of 2001 on the file of the 1st Additional District Judge, Motor Accident Claims Tribunal, Madurai by the petitioners herein. Registry is directed to return the original petition to the petitioners after receiving necessary acknowledgment.



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4.This Civil Revision Petition is allowed, accordingly. No costs.

Sd/-

Assistant Registrar (AE)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The 1st Additional District Judge,  
Motor Accident Claims Tribunal,  
Madurai.

2.The Section Officer, E.R.Section,  
Madurai Bench of Madras High Court, Madurai.

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