



CRP(PD)No.261 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP(PD)No.261 of 2022

Prem Venkatesan

... Petitioner

Vs

1. N.Arunkumar

2. The Manager,
ICICI Lombard General,
Insurance Company Limited,
ICICI Lombard House,
No.414, Veer Savarkar Marg,
Near: Vinayak Temple,
Prabhadevi, Mumbai – 400025.

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, for direction to taken on file of the I.A. filing number 6491/2021 in M.C.O.P.No.90 of 2018 on the file of the Motor Accidents Claims Tribunal Special District Judge, Krishnagiri which was returned on 07.09.2021 on the file of the Motor Accidents Claims Tribunal Special District Judge, Krishnagiri.

For Petitioner : Mr.S.P.Yuaraj



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ORDER

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Aggrieved by the returns made by the learned Special District Judge (Motor Accidents Claims Tribunal), Krishnagiri in a petition filed by him seeking withdrawal of the minor's share, which has been directed to be kept in fixed deposit, the guardian of the minor has come up with this revision. The mother of the minor and wife of the petitioner, D.Shanmuga Priya, died in a road accident. A claim was made for Rs.3,00,00,000/- as compensation. The Motor Accidents Claims Tribunal awarded a sum of Rs.1,96,36,400/- as compensation. The same was apportioned between the petitioner and his minor son. The Insurance Company challenge the award and a Division Bench of this Court reduced the compensation to Rs.1,37,75,452/-. Out of the said sum, the first respondent in the CMA / the petitioner herein was awarded Rs.60,00,000/- and the balance amount of Rs.77,75,500/- was apportioned to the share of the minor. The Division Bench also directed the Tribunal to deposit the money in a fixed deposit in any nationalised bank till the minor attains majority. The petitioner filed an application in I.A.SR.No.6491 of 2021 seeking payment out of the minor share to enable him to purchase a property in the name of the minor. He had



also stated that he had entered into an agreement for purchase of the property in their joint names for Rs.2,40,00,000/- and has also paid an advance of Rs.30,00,000/-. As rightly claimed by him in the affidavit that the interest that is offered on fixed deposit by nationalised banks being too low, this investment would be for the benefit of the minor. The Tribunal however returned the application stating that since the Division Bench has directed the money to be kept in deposit till the minor attains majority it cannot direct payment out of the money. I do not think that the Tribunal is right in returning the application on that ground. It is open to a guardian of the minor to show a cause to withdraw the money belonging to the minor which have been kept in deposit.

2.The petitioner has stated a reason. The Court can test the veracity of the reason stated by the petitioner seeking permission to withdraw, but the Court cannot say that it is powerless to permit withdrawal, because a Division Bench has directed the money to be deposited. The Division Bench had only confirmed the award of the Tribunal with reference to deposit of the money. The jurisdiction of the Tribunal to award payment out is not taken away merely because the direction to deposit is



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made by a Division Bench. Therefore, the return endorsement made by the Tribunal on 20.07.2021 are set aside. The Tribunal will number the application, consider it on merits and if the Tribunal is satisfied that the claim of the petitioner is bona fide, it will proceed to permit withdrawal. The Tribunal can also ensure that the petitioner purchases the property in the name of the minor by providing sufficient safeguards.

3.Registry is directed to return the original application in I.A.SR.No.6491 of 2021 to the learned counsel for the petitioner to enable him to re-presented along with the relevant documents including copies of the agreement, etc. This civil revision petition is allowed. No costs.

03.02.2022

vs

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Speaking order

To:

1.The Motor Accidents Claims Tribunal,
Special District Judge,
Krishnagiri.

2.The Section Officer,
V.R.Section,
Madras High Court, Chennai.

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R.SUBRAMANIAN, J.

VS

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