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C.R.P. (NPD) No.2562 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

C.R.P. (NPD) No.2562 of 2022

M.Sai Ganesh (Minor),
Rep. by his next friend Mother Nithiyakalyani,
Wife of (late) Muthukrishnan,
No.34, 2nd Cross K Block,
Gandhi Nagar, Thattanchavady,
Pondicherry.
Presently residing at
No.2, Dhanacodiamman Street,
Muthialpet, Pondicherry

...

Petitioner

versus

1.Siva Shankar

2.The Divisional Manager,
New India Assurance Company Ltd.,
No.179, 3rd Floor, J.N.Street,
Puducherry.

3.Padmanapan

4.Amutha

...

Respondents



PRAYER: Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the impugned docket order dated 30.03.2022 stating “petitioner has not attained majority, hence returned” in I.A.(SR)No.2777 of 2022 in M.A.C.T.O.P.No.796 of 2016, pending on the file of the Motor Accident Claims Tribunal (III-ADJ) at Pondicherry and direct the MACT III Additional District Judge, Puducherry to number the I.A.(SR)No.2777 of 2022 and dispose on merits as arbitrary, unreasoned and amounts to non-exercise of jurisdiction conferred in law.

For Petitioner : Mr.R.Veeramani

ORDER

This Civil Revision Petition has been preferred challenging the return endorsement of the learned Presiding Officer, Motor Accident Claims Tribunal (III Additional District Judge), Puducherry dated 30.03.2022 by claiming that the petition filed by the petitioner is not maintainable.

2. The revision petitioner who is a minor represented by his mother next friend / first claimant Nithyakalyani. The petition has been filed for permitting the petitioner to withdraw an amount of Rs.12,00,000/- with accrued interest for the purpose of purchasing the property in the name of the minor in whose name the award amount is ordered to be deposited until



he attains majority. In the said petition, the learned Presiding Officer has made the following return endorsement:-

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“Petitioner Sai Ganesh (Minor) has not attained majority. Hence returned”.

3. The learned counsel for the petitioner claims that even though the minor has not attained majority, the amount deposited in the name of the minor can be permitted to be withdrawn in the interest of the minor and for his welfare. Reliance was placed on the judgment of the Hon’ble Supreme Court held in *A.V.Padma and others vs. R.Venugopal and others* reported in *(2012) 3 SCC 378*.

4. Once the Court returns seeking certain clarification then the proper course would be to represent the same with the remarks of the learned counsel for the petitioner. In the case in hand, immediately the matter was returned, it has been challenged by preferring this Civil Revision Petition. The learned counsel for the petitioner is always at liberty to represent the petition by attaching the judgment which he now cited before this Court along with the petition and pray to take it into consideration. It is



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also open to the learned counsel for the petitioner to request to post the matter before the open Court for making his submission on the maintainability of the petition as well. Though proper and efficacious remedy is available before the learned Presiding Officer, Motor Accident Claims Tribunal (III Additional District Judge), Puducherry, the revision petitioner had filed this petition without exhausting the same.

5. With the above observations, this Civil Revision Petition is disposed of. No costs.

12.08.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

Note : *Registry is directed to return the original petition to the learned counsel for the petitioner.*

sri

To
The Presiding Officer,
Motor Accident Claims Tribunal
(III Additional District Judge),
Puducherry.



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R.N.MANJULA, J.

sri

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