



CRP(PD)(MD)No.1454 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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1. Joy Jacqueline

2. Minor Sibilla Beety
(Minor is represented by
her mother Joy Jacqueline
1st petitioner)

... Petitioners

versus

The Branch Manager,
Oriental Company Ltd.,
Malikmahal, Head Post Office Junction,
Nagercoil, Vadasery Village,
Agasteeswaram Taluk,
Kanniyakumari District.

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution
of India, seeking a direction to the Motor Accidents Claims Tribunal
(Principal Sub Judge), Nagercoil, to number the unnumbered



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I.A.SR.No.778 of 2022 in M.C.O.P.No.26 of 2000, which was returned on 22.03.2022, on the file of the Motor Accident Claims Tribunal (Principal Sub Judge), Nagercoil, dated 22.12.2000.

For Petitioners : Mr.T.Selvakumaran

ORDER

This Civil Revision Petition is filed against the docket order dated 22.03.2022, returning the unnumbered interlocutory application filed in I.A.SR.No.778 of 2022 in M.C.O.P.No.26 of 2000.

2. The petitioners herein are claimants in M.C.O.P.No.26 of 2020. The Motor Accidents Claims Tribunal (Principal Sub Judge), Nagercoil, passed an award in M.C.O.P.No.26 of 2000, on 22.12.2000, apportioning some compensation amount for the second petitioner, namely, minor Sibbilla Betty also. Thereafter, the name of the second petitioner “Sibbilla Betty” has been changed as “Sibylla Acsha” in the year 2003, which has also been notified by way of a Gazette



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Notification dated 12.09.2003. In view of the same, the name of the second respondent in Bank Account and other Accounts have also been changed as “Sibylla Acsha”. If the cheque is issued in the name of Sibbilla Betty, then, it will be difficult for her to withdraw the compensation amount. Therefore, the said interlocutory application has been filed under Section 152 C.P.C. before the Tribunal, namely, Principal Sub Court, Nagercoil, to change the name of the second petitioner as “Sibylla Acsha” instead of “Sibbilla Betty” in the decree dated 22.12.2000. However, the same was returned on 22.03.2022, stating that in the petition, the second petitioner's name was mentioned as “Sibylla Betty” and as per the petition, the name of the second petitioner has been mentioned as “Sibylla Betty” and therefore, there was no mistake in the decree. Aggrieved over the same, the present Civil Revision Petition is filed.

3. The petitioners filed a claim petition before the Motor Accident Claims Tribunal (Principal Sub Judge), Nagercoil, in the year



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1999, which was numbered as M.C.O.P.No.26 of 2000. The Tribunal passed an award on 22.12.2000. Thereafter, the name of the second respondent has been changed as “Sibylla Acsha”, which was also duly published in the Government Gazette on 12.09.2003. Now, the second respondent has become major and for withdrawal of the compensation amount in the name of Sibylla Acsha, the present petition is filed. The Tribunal, after passing the decree in the year 2000, cannot correct the decree by incorporating the name of the second respondent as “Sibylla Acsha” instead of “Sibbilla Beety”, based on the subsequent development of Gazette Notification in the year 2003. Therefore, this Court is not inclined to interfere with the order dated 22.03.2022.

4. Accordingly, the Civil Revision Petition is dismissed. However, it is always open to the second petitioner to establish her name as “Sibylla Acsha” instead of “Sibbilla Beety” by producing the Government Gazette Notification, which has also been duly published on 12.09.2003, before the concerned Bank authorities. The Bank



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authorities shall consider the Government Gazette Notification and other identity of Sibbilla Beety and disburse the amount to the second petitioner. No costs.

20.09.2022

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Index : Yes / No.

Internet: Yes / No.

To

The Motor Accidents Claims Tribunal
(Principal Sub Judge),
Nagercoil.



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B.PUGALENDHI, J.

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