



WEB COPY



CRP.No. 431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

CRP.No. 431 of 2023

N. Tamilarasi

.. Petitioner

Versus

1.Senthil Kumar
2.The National Insurance Company Limited
Near Bus Stand, Thiruchengode
Divisional Office-II
Ramakrishna Road, Salem-7.

.. Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to direct the Lower Court to hear the IA.No. 47 of 2022 in MCOP.No. 719 of 2007 on the file of the Motor Accident Claims Tribunal (Additional District Judge and Special Judge for EC Act Cases) Salem.

For Petitioner : Mr.S.P. Yuaraj



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ORDER

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This Civil Revision Petition has been filed seeking a direction to the Court below to dispose of the IA.No. 47 of 2022 in MCOP.No. 719 of 2007 on the file of the Motor Accident Claims Tribunal, Additional District Judge and Special Judge for EC Act Cases, Salem.

2. Heard the learned counsel for the petitioner and perused the materials placed on record.

3. On a perusal of the records, it seen that the petitioner has filed MCOP.No. 719 of 2007 for the death of her husband in a motor accident which occurred on 20.05.2006 against the respondents before the Motor Accidents Claims Tribunal, (Additional District Judge and Special Judge for EC Act, Cases, Salem. After perusing the records, the Court below awarded a sum of Rs.12,10,648/- directing the respondents to deposit the award amount before the Court below. Against which, the 2nd respondent/Insurance Company has preferred an appeal in CMA.No. 916 of 2013 and Cross Objection No. 5 of 2020 before the Madurai Bench of the Madras High Court and the same were dismissed by judgment dated



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19.04.2021. Pursuant to the same, the petitioner has filed I.A.No. 47 of 2022 under Rule 20 (11) of the Tamil Nadu Motor Vehicle Accidents Claims Rules, 1989 seeking to permit her to withdraw her share amount of Rs.7,18,590/- and the said application is pending for more than one year without any progress. Therefore, the petitioner seeks a direction to dispose of the IA and permit her to withdraw the award amount of the petitioner.

4. Considering the above facts and circumstances of the case and taking into the submission made by the learned counsel for the revision petitioner, this Court directs the trial Court to dispose of the IA.No. 47 of 2022 in MCOP.No. 719 of 2007 on the file of the Motor Accident Claims Tribunal [Additional District Judge and Special Judge for EC Act Cases], Salem, within a period of six weeks from the date of receipt of a copy of this order.

5. With the above direction, the Civil Revision Petition is disposed



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of. However, there shall be no order as to costs.

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Index : Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

msm

To

1. The Additional District Judge and
Special Judge for EC Act Cases,
The Motor Accident Claims Tribunal, Salem.
2. The Section Officer, V.R.Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN, J.

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