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C.R.P.Nos.1137 & 1140 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.03.2023

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

C.R.P.Nos. 1137 & 1140 of 2020

C.R.P.No.1137 of 2020

Saraswathi

... Petitioner

Vs.

1.Anandhi

2.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of The Civil Procedure Code, to set aside the fair and final order dated 13.11.2019 in I.A.No.4 of 2019 in M.C.O.P.No.54 of 2013 on the file of Special District Court (MACT), Erode and allow the Civil Revision Petition.

For Petitioner : Mr.P.Parthikannan

For Respondents : Mr.A.Sundaravadhanam, for R2
No Appearance for R1



C.R.P.Nos.1137 & 1140 of 2020

C.R.P.No.1140 of 2020

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S.Rangasamy

... Petitioner

Vs.

1.Anandhi

2.The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore Division) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

... Respondents

Prayer: Civil Revision Petition is filed under Section 115 of The Civil Procedure Code, to set aside the fair and final order dated 13.11.2019 in I.A.No.3 of 2019 in M.C.O.P.No.54 of 2013 on the file of Special District Court (MACT), Erode and allow the Civil Revision Petition.

For Petitioner : Mr.Ruban Chakaravarthy
for Mr.S.Kaithamalai Kumaran

For Respondents : Mr.A.Sundaravadhanam, for R2
No Appearance for R1

COMMON ORDER

These Civil Revision Petitions are filed to set aside the fair and final order dated 13.11.2019 passed in I.A. Nos. 4 & 3 of 2019 respectively in M.C.O.P.No.54 of 2013 on the file of Special District Court (MACT), Erode.



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2. Heard the learned Counsel for the Petitioner as well as the learned Counsel for the Transport Corporation and perused the materials on record.

3. The Revision Petitioners herein are the mother and father of the deceased Kandasamy, who died in a motor accident on 02.05.2011. On his death, the first Respondent in these Civil Revision Petitions, who is his wife, has filed MCOP No.54 of 2013 claiming compensation in which the Revision Petitioners herein were arrayed as Respondents 4 and 3 respectively. After considering the oral and documentary evidence, a total sum of Rs.8,99,000/- was awarded as compensation out of which Rs.5,00,000/- was apportioned to the first Respondent/wife, a sum of Rs.1,00,000/- to Petitioner in C.R.P.No. 1140 of 2020 and Rs.2,99,000/- to the Petitioner in C.R.P.No. 1137 of 2020. Aggrieved by the quantum of award, C.M.A.No.3103 of 2017 was filed by the first Respondent herein before this Court. This Court, by judgment dated 03.02.2018 enhanced the compensation amount to Rs.13,33,000/-. Out of the enhanced compensation amount, the Petitioner in C.R.P.No.1137 of 2020/ Mother was permitted to withdraw Rs.4,43,345/- and the Petitioner in C.R.P.No.1140 of 2020/Father was permitted to withdraw Rs.1,48,275/- as their share with accrued interest.



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4. Seeking to withdraw their respective claim amount, they have filed petitions for payment out before the Tribunal in I.A.Nos.4 and 3 of 2019 respectively. The Tribunal, by the orders impugned in these Civil Revision Petitions, permitted the Revision Petitioners to withdraw only a sum of Rs.2,99,000/- and Rs.1,00,000/- respectively as against the amount which they were permitted to withdraw by this Court in C.M.A.No.3103 of 2017. Aggrieved by the same, the present Civil Revision Petitions are filed.

5. Learned Counsel for the Revision Petitioners would submit that the Revision Petitioners are the parents of the deceased. They have filed the petitions to withdraw the compensation amount from the Court of the learned Principal District Judge / Motor Accidents Claims Tribunal, as per the enhanced award passed by this Court in C.M.A.No.3103 of 2017. However, the Tribunal permitted the Revision Petitioners only to withdraw a sum of Rs.2,99,000/- and Rs.1,00,000/- respectively, as against their entitlement to withdraw Rs.4,43,345/- and Rs.1,48,275/- as their share with accrued interest. The refusal on the part of the Tribunal to withdraw the amount with accrued interest is unjustifiable and therefore, the Petitioners have come up with these Revision Petitions.



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6. It is seen from the orders dated 13.11.2019, which are impugned in these Civil Revision Petitions, that the Tribunal reasoned that the Transport Corporation has not deposited the enhanced award amount and therefore, the Revision Petitioners cannot be permitted to withdraw the enhanced compensation amount. It is further seen that such an order was passed by the Tribunal on 13.11.2019. During the pendency of these Civil Revision Petitions, if the enhanced compensation amount is deposited by the Transport Corporation, the Tribunal is directed to forthwith permit the Revision Petitioners to withdraw the compensation amount payable to them with accrued interest, taking note of their advanced age, without brooking any further delay.

7. With the above direction, both the Civil Revision Petitions are disposed of. No costs.

16.03.2023

Index: Yes/No

Neutral Citation: Yes/No

AT

To

1.The Special District Court (MACT), Erode.

2.The Section Officer,

VR Section, High Court, Madras.

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SATHI KUMAR SUKUMARA KURUP, J.

AT

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