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C.R.P.No.1557 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2023

CORAM:

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

C.R.P.No.1557 of 2023

Panthalrajan

... Petitioner

Vs.

1.M/s. ABT Limited,
No.180, Race Course Road,
Coimbatore - 641 018.

2.Universal Sampo General Ins. Co. Ltd.,
Express Park,
Plot No.EL-94, T.T.C. Industrial Area,
MIDC, Mahape,
Navi Mumbai - 400 070

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India for direction to taken on the file of the I.A. filing number 1672/2022 in MCOP.No.837 of 2017 on the file of the Motor Accidents Claims Tribunal Special Sub Judge, Salem without asking for maintainability which was returned on 19.10.2022.

For Petitioner : Mr.S.P.Yuaraj



C.R.P.No.1557 of 2023

ORDER

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Heard the learned counsel for the petitioner and perused the records.

2. This revision is filed seeking for a direction to the Motor Accidents Claims Tribunal, Special Sub Judge, Salem to take on file the I.A. filing number 1672 of 2022 in M.C.O.P.No.837 of 2017, which was returned on 19.10.2022 without asking for maintainability.

3. It is submitted by the learned counsel for the petitioner that the petitioner has filed M.C.O.P.No.837 of 2017 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Salem, seeking compensation on account of the injury caused to him in the motor accident occurred on 30.12.2016, seeking compensation.

4. After fulfilled enquiry, the said M.C.O.P.No.837 of 2017 came to be allowed on 24.01.2020 granting compensation of Rs.34,64,119/-. Aggrieved by the same, the respondent / Insurance Company has filed C.M.A.No.67 of 2022 on the file of this Court and the same was disposed of on 31.01.2022, wherein the entire claim was settled for a sum of



C.R.P.No.1557 of 2023

Rs.32,00,000/- in full quit. Accordingly, compromise was recorded and the award of the Trial Court was accordingly modified and the Insurance Company was directed to deposit the said amount within a period of four weeks from the date of receipt of a copy of that order. Subsequently, the Insurance Company stated to have deposited Rs.32,00,000/- on the file of the Special Sub Judge - I, Salem. In order to receive the said amount, the petitioner herein has moved I.A.No.1672 of 2022. However, the said application was returned on the ground that there is no order specially to withdraw the award in C.M.A.No.67 of 2022.

5. The C.M.A.No.67 of 2022 preferred before this Court by the respondent / Insurance Company is for setting aside the order passed in M.C.O.P.No.837 of 2017 passing an award for Rs.34,64,119/-. The issue in C.M.A.No.67 of 2022 was whether the compensation awarded in M.C.O.P.No.837 of 2017 is a just compensation or not. Once the C.M.A. has been disposed of, directing the Insurance Company to deposit a sum of Rs.32,00,000/- towards full and final settlement in respect M.C.O.P.No.837 of 2017 in favour of the petitioner, it is deemed that as and when the said compensation is deposited, it will have to be withdrawn by the claimant.



C.R.P.No.1557 of 2023

Tribunal need not pass any specific orders directing the petitioner to withdraw. Once the litigation between the parties had attained finality and the compromise arrived at in C.M.A., the petitioner as a claimant is entitled to withdraw the amount.

6. Considering the circumstances, this petition is disposed of with a direction to the petitioner to resubmit the said petition before the learned Tribunal within a period of two weeks from the date of receipt of a copy of this order and on such submission, the learned Tribunal is directed to consider the said petition and follow the procedure in respect of issuance of cheque based on the circulars issued by this High Court from time to time and dispose of the same, without insisting that orders are required permitting the petitioner to withdraw the said amount.

7. Accordingly, this Civil Revision Petition is disposed of. No Costs.

16.06.2023

Index :Yes/No

Internet:Yes/No

Neutral Citation Case: Yes/No

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Note: Registry is directed to return the original records.



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C.R.P.No.1557 of 2023

To

1. The Motor Accidents Claims Tribunal,
Special Sub Judge, Salem
2. The Section Officer,
V.R.Section, High Court of Madras.



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C.R.P.No.1557 of 2023

Dr.D.NAGARJUN, J.

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C.R.P.No.1557 of 2023

16.06.2023