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CRP No.4495 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.11.2023

CORAM :

THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition Nos.4495, 4499 & 4502 of 2023

Minor Remeo	... Petitioner in CRP.No.4495 of 2023
Minor Madona	... Petitioner in CRP.No.4499 of 2023
Minor Anar	... Petitioner in CRP.No.4502 of 2023

Versus

1.Arunkumar

2.The Manager, Acko General Insurance Co. Ltd., Unit No.301, 3 rd Floor, Fwing, Lotus Corporate Park, Georgaon, Mumbai.	... Respondents in all CRPs
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Prayer in CRP.No.4495 of 2023: Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the order dated 29.08.2023 and made in I.A.No.1464 of 2023 in MCOP.No.347 of 2022, on the file of III Additional District Court, Kallakurichi.

Prayer in CRP.No.4499 of 2023: Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the order dated 29.08.2023 and made in I.A.No.1463 of 2023 in MCOP.No.349 of 2022, on the file of III Additional District Court, Kallakurichi.

Prayer in CRP.No.4502 of 2023: Civil Revision Petition filed Under Article 227 of Constitution of India, praying to set aside the order dated 29.08.2023 and made in I.A.No.1462 of 2023 in MCOP.No.348 of 2022, on the file of III Additional District Court, Kallakurichi.



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For Petitioner in all CRPs : Mr.M.Selvam

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COMMON ORDER

The petitioners have filed these petitions to set aside the order dated 29.08.2023 and made in I.A.No.1464 of 2023 in MCOP.No.347 of 2022, in I.A.No.1463 of 2023 in MCOP.No.349 of 2022 and in I.A.No.1462 of 2023 in MCOP.No.348 of 2022, respectively on the file of III Additional District Court, Kallakurichi.

2. Heard, Mr.K.Selvaraj, learned counsel for the petitioners and perused the materials available on record.

3. All the three CRPs are filed by the father of the minor claimants. Before the trial Court the petitioners have filed Interlocutory applications and praying to withdraw the part of the amount in order to repay the medical claim and the same was dismissed by the learned trial Judge, holding that there is no proof with regard to the medical treatment given to the minor children and as well as no proof in respect of the advance amount paid to the children at the time of treatment. Challenging the same the revision has been preferred.



4. The learned counsel for the revision petitioners submitted that all the three minor children were sustained grievous injuries and they were treated at Chennai MIOT hospital, and they have undergone treatment for three weeks and spent more than 10 lakhs for medical expenses. Now claim is settled but at the time of medical treatment their father borrowed loans from the 3rd parties for medical expenses. Now he is liable to return the same, so he wants to withdraw the part of the award amount.

5. Considering the entire facts, it reveals that on the date of the alleged accident all the three children were travelling with their father's two wheeler and met with an accident and all the three children were sustained grievous injuries. Before the Tribunal, the father relied on the medical bills for the treatment given to each of the children. Accordingly to Minor Remeo, medical bill was relied on for Rs.6,95,537/- and for minor Madona medical bill was relied on for Rs.1,05,883/- and another minor son Anar medical bill was relied on for Rs.6,74,434/-. Admittedly, all the claims were settled in the Lok Adalat. Therefore, the reason assigned by the petitioners are justifiable. If the part of the award amount is not permitted to withdraw, their father would not be able to repay the loan amount. The learned trial Judge failed to take note of the fact and erroneously dismissed the interlocutory applications.



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T.V.THAMILSELVI, J.

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Therefore, the findings rendered by the learned trial Judge in I.A.No.1464 of 2023 in MCOP.No.347 of 2022, in I.A.No.1463 of 2023 in MCOP.No.349 of 2022 and in I.A.No.1462 of 2023 in MCOP.No.348 of 2022, are set aside. The petitioners are directed to withdraw the award amount deposited to the credit of MCOP.Nos.347,349 & 348 of 2022, on proper identification and on filling appropriate application before the Tribunal.

6. Accordingly, these Civil Revision petitions are allowed. There shall be no order as to costs.

28.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
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To

- 1.The III Additional District Judge, Kallakurichi.
- 2.The Section Officer, VR-Section, High Court of Madras.

Civil Revision Petition Nos.4495, 4499
& 4502 of 2023