



WEB COPY



CRP. No. 4568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM:

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

CRP No. 4568 of 2023

- 1.S.Geetha
- 2.Minor S. Sadhana
- 3.Minor Sairam
- 4.S.Lakshmi
- 5.N.Sankar

...Petitioners

Vs.

- 1.M.Lokeshwar
- 2.The Divisional Manager,
Oriental Insurance Company Limited,
DO-2, No.16/20, WEA Padam Singh Road,
Karol Bagh, Delhi.
- 3.The Proprietor, M/s. Royal Trading Centre,
No.184-186-230 & 234, Royal Complex,
Phycrofts Road, Royapettah,
Chennai – 600 014.
4. The Branch Manager,
National Insurance Company Limited,
Mangadu Business Centre,
No. 35, Perumal Koil Street,
Mangadu, Chennai – 600 122.

....Respondents



CRP. No. 4568 of 2023

PRAYER : This petition filed under Article 227 of the Constitution of India, to set aside the order dated 19th day of October, 2023 made in M.P No. 5 of 2023 in MCOP No. 2721 of 2020, on the file of Chief Judge, Court of Small Causes, at Chennai.

For Petitioner : Mr.Amar Dhineshbhai Pandiya

ORDER

This petition has been filed to set aside the order dated 19.10.2023 made in M.P No. 5 of 2023 in MCOP No. 2721 of 2020, on the file of Chief Judge, Court of Small Causes, at Chennai.

2. The petitioners herein are legal heirs of the deceased Sampath, who filed MCOP No. 2721 of 2020 for claiming compensation for the deceased Sampath and the same was allowed by the tribunal and permitted the petitioner to withdraw 50% of the award amount. Hence, the petitioners herein filed MP No. 5 of 2023 in MCOP No. 2721 of 2020 before the Court below to withdraw the balance 50% of amount for a sum of Rs. 5,12,783/-, the said petition was dismissed by the tribunal stating that there is no justifiable reason assigned by the petitioners to withdraw the balance 50% of the petitioner's share especially when she has not yet withdrawn the initial 50% of award for which she was granted permission in the award



CRP. No. 4568 of 2023

dated 26.06.2023. Challenging the same the petitioners filed this Civil Revision Petition.

3. The learned counsel for the petitioners submit that the petitioners are living without any source of income. Now, the first petitioner needs money to meeting out the children educational expenses and maintenance purpose. But the Court below failed appreciate this fact and erroneously dismissed the application as such is unfair and liable to be set aside.

4. Considering the fact of the case, the first petitioner is maintaining the family and her children without any source of income, the reason assigned by the petitioners is justifiable the order passed by the Chief Judge, Court of Small Causes, Chennai, in M.P No. 5 of 2023 in MCOP No. 2721 of 2020 is set aside. Thus, M.P No. 5 of 2023 in MCOP No. 2721 of 2020 is allowed.

5. In the result, this Civil Revision petition is allowed. There shall be no order as to costs. Consequentially, connected miscellaneous petition is closed.

05.12.2023

pbl



WEB COPY



CRP. No. 4568 of 2023

T.V.THAMILSELVI,J.

Pbl

To

1. The Chief Judge, Court of Small Causes, Chennai.

CRP No. 4568 of 2023

05.12.2023