



C.R.P.(MD) No.1486 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2023

CORAM

THE HON'BLE **MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI**

C.R.P.(MD) No.1486 of 2022

N.Murugan

... Petitioner

Vs.

The Tamilnadu State Transport Corporation,
Thevaram Depot
Through its Branch Manager,
Thevaram, Theni District.

... Respondent

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 25.04.2022 and direct the learned Motor Accident Claims Tribunal (Additional District Judge), Theni to number the unnumbered I.A.No. of 2022 in M.C.O.P.No.29 of 2018.

For Petitioner : Mr.Sathurthy Raja
for Mr.P.Rajesh

For Respondent : Mr.K.Sudalayandi

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the docket order dated 25.04.2022 and direct the learned Motor Accident Claims Tribunal (Additional District Judge), Theni to number the unnumbered I.A.No. of 2022 in M.C.O.P.No.29 of 2018.



C.R.P.(MD) No.1486 of 2022

2. The petitioner was the first claimant in M.C.O.P.No.29 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District Judge), Theni. The said M.C.O.P. was filed by the petitioner along with his two minor children for compensation for the death of his wife in an accident. By an order dated 05.07.2019, a sum of Rs.19,03,000/- together with interest at 7.5% per was awarded to the claimants, out of which, the petitioner/first claimant is entitled to Rs.9,03,000/- together with interest.

3. Aggrieved by the said order, the respondent Transport Corporation filed an appeal before this Court in C.M.A.(MD) No.25 of 2020. This Court while granting interim stay in C.M.P.(MD) No.434 of 2020 in C.M.A.(MD) No.25 of 2020 has directed the respondent Transport Corporation to deposit the entire compensation along with proportionate accrued interest and cost to the credit of the Motor Accident Claims Tribunal (Additional District Judge), Theni in M.C.O.P.No.29 of 2018.

4. The petitioner/first claimant now filed an application in unnumbered I.A. in M.C.O.P.No.29 of 2018 to withdraw the amount awarded to him which was returned by the Court below by stating that the appeal is pending before this Court.



C.R.P.(MD) No.1486 of 2022

WEB COPY

5. According to the petitioner/first claimant, in C.M.P.(MD) No.434 of 2020 in C.M.A.(MD) No.25 of 2020, an interim stay was granted by this Court with condition that the respondent Transport Corporation shall deposit the entire compensation on or before 04.03.2020 and the interim stay granted by this Court was automatically vacated since the respondent Transport Corporation has failed to comply with the direction issued by this Court, and therefore, there is no impediment on the learned District Judge to entertain the application by numbering the same. It is submitted that the petitioner/first claimant filed the above application to meet some unavoidable expenses and he is facing financial crisis.

6. The learned counsel for the petitioner/first claimant has relied upon a decision of this Court in **Valliammal Vs. P.Karuppiyah and others**, 2006 (3) CTC 138, in which, it was held that *“Since the Respondents have deposited the amount in the Execution proceedings, it would not be appropriate for the Executing Court to return the Interlocutory Application without even numbering it. If at all the Court wants to know about the pendency of the Appeal, the Court ought to have numbered the Application and thereafter, could have ordered Notice to the Respondents. Without doing so, the*



C.R.P.(MD) No.1486 of 2022

Executing Court is not justified in declining to number the Interlocutory Application.

7. It is therefore submitted that the learned District Judge ought to have numbered the I.A. for consideration.

8. Therefore, in the present Civil Revision Petition, the petitioner/first claimant seeks for a direction to the learned Motor Accident Claims Tribunal (Additional District Judge), Theni to number the unnumbered I.A.No. of 2022 filed by the petitioner/first claimant in M.C.O.P.No.29 of 2018 to withdraw the part of the award amount.

9. On the other hand, the learned counsel appearing for the respondent Transport Corporation would submit that C.M.A.(MD) No.25 of 2020 filed by the respondent Transport Corporation was partly allowed on 14.03.2023 and the award amount already granted by the Tribunal was reduced and therefore, the petitioner/first claimant can file an appropriate application for necessary amendments in the unnumbered I.A. with regard to the quantum or file a fresh application to withdraw the amount.



C.R.P.(MD) No.1486 of 2022

10. Considering the subsequent developments in the matter, the petitioner/first claimant is at liberty to withdraw the amount by filing fresh application as per the award passed by this Court in C.M.A.(MD) No.25 of 2020 or to carry out the necessary amendments in the petition already filed. The learned Motor Accident Claims Tribunal (Additional District Judge), Theni is directed to number the said application if it is in order and dispose the same.

11. Accordingly, this Civil Revision Petition is disposed of. No cost.

24.07.2023

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
jen

To

1.The Motor Accident Claims Tribunal
(Additional District Court), Theni

2.The Branch Manager,
Thevaram Depot,
The Tamilnadu State Transport Corporation,
Thevaram, Theni District.



WEB COPY



C.R.P.(MD) No.1486 of 2022

K.GOVINDARAJAN THILAKAVADI, J.

jen

C.R.P.(MD) No.1486 of 2022

24.07.2023