



C.R.P(MD).No.1255 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 30.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**C.R.P(MD).No.1255 of 2022**

Akshya

... Petitioner/Petitioner/2<sup>nd</sup> Claimant

Vs.

The Managing Director,  
Tamilnadu Transport Corporation Ltd.,  
II Division, Periyamilaguparai,  
Trichy.

.... Respondent/Respondent/Respondent

**PRAYER:-** This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to call for the records pertaining to the return of unnumbered I.A.No. of 2022 in M.A.C.O.P.No.235 of 2013 on the file of Motor Accident Claims Tribunal, Kulithalai, Karur District dated 25.04.2022 and to set aside the same by allowing this Civil Revision Petition and direct the Motor Accident Claims Tribunal, Kulithalai, Karur District to number the petition.

For petitioner : Mr.S.Sarvagan Prabhu

**ORDER**

This petition has been filed to set aside the docket order dated 25.04.2022 made in unnumbered I.A.No..... of 2022 in M.A.C.O.P.No.235 of 2013 on the file of Motor Accident Claims Tribunal, Kulithalai, Karur



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District, and direct the Motor Accident Claims Tribunal, Kulithalai, Karur District, to number the petition.

2.The petitioner is the one of the beneficiary along with her mother in MACOP.No.235 of 2013 before the Motor Accident Claims Tribunal, Kulithalai, Karur District. The aforesaid Tribunal by its judgment and decree dated 02.02.2018 ordered compensation. Aggrieved by the same, both the respondent/Transport Corporation and the petitioner's mother & the petitioner, who was represented by her mother filed CMA(MD)Nos.546 & 1144 of 2018 before this Court. CMA(MD)No.546 of 2018 was filed by the petitioner and her mother for enhancement CMA(MD)No.1144 of 2018 was filed by the respondent/Transport Corporation. After hearing the parties, this Court has dismissed the petition filed by the respondent/Transport Corporation and allowed the petition filed by the petitioner and her mother by enhancing the compensation already awarded by the Tribunal. Mean time, the petitioner has attained majority. Therefore, she filed the above said unnumbered IA to withdraw the compensation amount. It was returned by the Tribunal. Hence, the petitioner filed this Civil Revision Petition.



3.The specific case of the petitioner is that the order was complied by depositing the amount before the Tribunal and not before the High Court. It is submitted that the petitioner's mother has also received the compensation that was deposited pursuant to the order of this Court in CMA(MD)Nos.546 & 2244 of 2018 vide order dated 20.02.2019. However, merely because, the order of this Court stated that the amount should be deposited with the Indian Bank, High Court Branch, Madurai, the Tribunal now has returned the application for payment.

4.In my view, the impugned Docket Order passed by the Motor Accident Claims Tribunal, Kulithalai, Karur District, is not sustainable. In case, the Court wants to pass an order by rejecting the claim petition filed by the petitioner, it may do so after numbering the Interlocutory Application by giving reasons. Therefore, the Motor Accident Claims Tribunal, Kulithalai, Karur District, is directed to number the unnumbered Interlocutory Application and pass appropriate orders in the manner known to law. In case, the amount was indeed deposited to the credit of above said M.A.C.O.P.No. 235 of 2013 on the file of Motor Accident Claims Tribunal, Kulithalai, Karur District, the Motor Accident Claims Tribunal, Kulithalai, Karur District, shall transfer the amount by recording proper reasons.



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C.SARAVANAN,J.

dss

5.With the above direction, this Civil Revision Petition is allowed. No costs.

30.03.2023

NCC : Yes/No  
Index : Yes/No  
Internet:Yes/No  
dss

**Note: The Registry is directed to return the original copy of the unnumbered IA for submitting before the Trial Court.**

To

1.The Motor Accident Claims Tribunal,  
Kulithalai, Karur District.

2.The Record Keeper,  
V.R. Section,  
Madurai Bench of Madras High Court,  
Madurai.

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