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C.R.P(MD)No.1796 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM

**THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN
THILAKAVADI**

C.R.P(MD)No.1796 of 2023

Dhanam

... Petitioner / Petitioner /
1st Respondent / Petitioner

Vs.

1.D.Sakthibalan

...1st Respondent / 1st Respondent
/ 1st Respondent / 1st Respondent

2.The Divisional Manager,

New India Assurance Company Ltd.,

Virudhunagar.

... 2nd Respondent / 2nd Respondent
/ Petitioner / 2nd Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 24.04.2023 passed in I.A.No.4 of 2023 in I.A.No.2 of 2023 in M.C.O.P.No.105 of 2017 on the file of the Motor Accidents Claims Tribunal (Additional District Court), Virudhunagar.

For Petitioner : Mr.K.R.Shivashankari



ORDER

The Civil Revision Petition is preferred as against the docket order dated 24.04.2023 passed in I.A.No.4 of 2023 in I.A.No.2 of 2023 in M.C.O.P.No.105 of 2017 by the Motor Accidents Claims Tribunal (Additional District Court), Virudhunagar.

2.According to the revision petitioner, the petitioner, who is the second petitioner in MCOP NO.105 of 2017, has moved an application in I.A.No.4 of 2023 to withdraw the entire share in accordance with the award passed in Lok Adalat on 09.02.2023. However, in the said I.A., the Tribunal has erroneously directed the petitioner to withdraw the amount as per clause-5 of the decree passed on 07.04.2021 in MCOP No.105 of 2017.

3.On perusal of the records, it is seen that the award passed in the Lok Adalat, on 09.02.2023 is as follows:

“Both parties are present. On negotiation, both parties have agreed for settlement of the dispute for sum of Rs.17,00,000/-(Rupees Seventeen Lakhs only) in full quit of all claims be and is hereby passed in favour of the petitioner and against the 2nd respondent.”



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4.As per the Lok Adalat award, the share apportioned to the first petitioner is a sum of Rs.7,00,000/- and the share apportioned to the second petitioner is a sum of Rs.10,00,000/-. However, the Tribunal directed the petitioner to withdraw only 70% of the share of the total award in the application filed by the petitioner, which is against the award passed in the Lok Adalat. Hence, the docket order, dated 24.04.2023 passed in I.A.No.4 of 2023 in I.A.No.2 of 2023 in MCOP NO.105 of 2017 by the Motor Accident Claims Tribunal, Additional District Court, Virudhunagar, is hereby set aside and the matter is remitted back to the Tribunal for fresh consideration and to dispose the matter as per the award passed by the Lok Adalat.

7.With the above observation, this Civil Revision Petition is allowed. No costs.

26.07.2023

NCC:Yes/No

Index:Yes/No

Internet:Yes/No

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To

1.The Additional District Judge,
Motor Accidents Claims Tribunal, Virudhunagar.

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



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K.GOVINDARAJAN THILAKAVADI, J.

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26.07.2023