



C.R.P.(MD) No.1947 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2023

CORAM

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

C.R.P.(MD) No.1947 of 2023

Ponraj

... Petitioner

Vs.

1.D.Sakthibalan

2.The Divisional Manager,
New India Assurance Company Ltd.,
Virudhunagar.

... Respondents

Prayer:- This Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 24.04.2023 passed in I.A.No.3 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 : M/s.K.R.Shivashankari

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the docket order dated 24.04.2023 passed in I.A.No.3 of 2023 in I.A.No.2 of



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2023 in M.C.O.P.No.105 of 2017 on the file of the Motor Accidents Claims

WEB CTRM Tribunal (Additional District Court) Virudhunagar.

2. According to the petitioner, he is the first claimant in M.C.O.P.No.105 of 2017 and has moved an application in I.A.No.3 of 2023 to withdraw the entire share of Rs.7,00,000/- in accordance with the Lok Adalat Award dated 09.02.2023. However, *vide* the impugned docket order dated 24.04.2023, the Motor Accidents Claims Tribunal (Additional District Court) Virudhunagar, as per Clause No.5 of the decree passed on 07.04.2021 in M.C.O.P.No.105 of 2017, has erroneously directed the State Bank of India, Virudhunagar, in which the compensation amount was deposited, to transfer only a sum of Rs.4,90,000/- which is 70% of Rs.7,00,000/-, to the petitioner's account through NEFT.

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, out of Rs.17,00,000/-, the petitioner is entitled to a sum of Rs.7,00,000/- and other claimant is entitled to a sum of Rs.10,00,000/-. By an order dated 26.07.2023 in C.R.P.(MD) No.1796 of 2023 filed by the other claimant, this Court set aside the order of the Tribunal and remitted the case back to the Tribunal to pass a fresh order as per the Award passed by the Lok Adalat. Relevant portion of the said order reads as under:-

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.

5. Considering the above, the impugned docket order dated 24.04.2023 passed by the Motor Accidents Claims Tribunal (Additional District Court) Virudhunagar in I.A.No.3 of 2023 in I.A.No.2 of 2023 in M.C.O.P.No.105 of



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2017 is set aside and the matter is remitted back to the Tribunal to pass a fresh order as per the Lok Adalat Award.

6. Accordingly, this Civil Revision Petition is disposed of with the above directions. No cost.

09.08.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
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To

The Judge,
Motor Accidents Claims Tribunal
(Additional District Court),
Virudhunagar.



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K.GOVINDARAJAN THILAKAVADI, J.

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