



C.R.P.PD (MD)No.166 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :25.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P.PD (MD).No.166 of 2023

1.Angala Eswari

2.Minor.N.Mithra Sri

3.Minor.N.Chenba Sri

4.M.Chennaiyasamy

... Petitioners

(The second and third petitioners are represented through their natural guardian and mother/ first petitioner)

Vs.

1.M.Murugan

2.The Branch Manager,
United India Insurance Company,
Theni Branch, Periyakulam Road,
Theni District.

... Respondents

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Additional District and Sessions Judge, Theni to take up the petition in I.A.No. Unnumbered of 2022 in M.C.O.P.No.4 of 2019 on the file of the learned Additional District and Sessions Judge, Theni.



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For Petitioner :Mr.M.Maharaja

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ORDER

This Civil Revision Petition is filed to direct the learned Additional District and Sessions Judge, Theni to take up the petition in I.A.No. Unnumbered of 2022 in M.C.O.P.No.4 of 2019 on the file of the learned Additional District and Sessions Judge, Theni.

2. The petitioners are the claimants in M.C.O.P.No.4 of 2019, before the Motor Accidents Claims Tribunal / Additional District Court, Theni. The trial Court had allowed the M.C.O.P.No.4 of 2019, by order dated 14.08.2019 and awarded a sum of Rs.27,35,800/- as compensation for the death of the first petitioner's husband and the father of the second and third petitioners and the son of the fourth petitioner. The award was challenged before the Division Bench of this Court by the Insurance Company, in C.M.A.(MD).No.734 of 2020 and the same was dismissed.

3. The learned counsel for the petitioner would submit that after perusing the order passed by the Division Bench of this Court, the



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petitioners have filed Interlocutory Application on 28.07.2022, before the Additional District and Sessions Judge, Theni, for withdrawing the amount that was deposited by the insurance company/second respondent. The trial Court has returned the same, stating that the petitioner has to obtain "No objection" from the learned counsel who had appeared for the petitioner in M.C.O.P.No.4 of 2019, before the Motor Accident Claims Tribunal/Additional District and Sessions Court, Theni. The learned counsel for the petitioner would submit that without the knowledge of the petitioner, the previous counsel has filed an E.P.No.23 of 2020. Thereafter, the petitioner has engaged a new counsel to take steps to withdraw the amount. It is further stated by the petitioner that the petitioner has also settled a sum of Rs.20,000/- (Rupees Twenty Thousand Only) by demand draft in favour of the previous counsel. However, the previous counsel has not come forward to give his No objection.

4. Considering the above facts and circumstances, I direct the trial Court to number the unnumbered Interlocutory Application filed by the petitioner, after the petitioner files a copy of the acknowledgement card,



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evidencing the service of notice to the learned counsel for the petitioner who had appeared earlier in M.C.O.P.No.4 of 2019 before the Additional District and Sessions Court, Theni.

5. With the above direction, this Civil Revision Petition stands disposed of. There shall be no order as to costs.

25.04.2023

NCC :Yes / No
Index :Yes / No
Internet :Yes / No
Speaking Order/Non-Speaking Order

sbm



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C.SARAVANAN, J.

sbn

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