



CRP No.27 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.27 of 2024

1.Kamalaveni
2.Minor. Sonali
3.Minor Kaleeswar
4.Papathi

... Petitioners

Vs.

1.Rajasekar
2.United India Insurance Co. Ltd.
No.104-A, Peramanur Main Road
Perambur,
Salem-7.
Salem District.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside fair and decreetal order in unnumber IA in IA.SR.No.3196 of 2022 on the file of the 2nd Additional District and Sessions Judge (Motor Accident Claims Tribunal) Salem, Salem District.



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For Petitioner

: Mr.R.Muruga Bharathi

ORDER

This Civil Revision Petition is filed to set aside fair and decreetal order in I.A.S.R.No.3196 of 2022 on the file of the II Additional District and Sessions Judge (Motor Accident Claims Tribunal) Salem, Salem District.

2. The petitioners are petitioners in MCOP No.426 of 2017 on the file of the II Additional District and Sessions Judge, (Motor Accident Claims Tribunal) Salem, Salem District. The petitioners have filed the petition claiming a sum of Rs.25,00,000/-. The Lower Court passed an award on 29.01.2021. In that award, the lower court has also permitted the petitioners' advocate to file a separate application along with bank account details to receive a sum of Rs.22,910/- as advocate fees. In pursuance of that order, the petitioners' advocate has filed an affidavit and application in IA SR No.3196 of 2022, to transfer the said amount through RTGS to his bank account. The said application was returned by order dated 02.01.2023



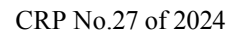
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stating that the application is not maintainable, without assigning any reason. Challenging the said order, the petitioners have filed the present civil revision petition.

3. Learned counsel for the petitioners submits that the affidavit and application filed by the petitioners' advocate was returned without assigning any reason. Hence, the rejection order passed by the Lower Court is liable to be set aside.

4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. The facts reveal that in the award passed by the lower court, it is noticed that there is an order for separate payment of advocate fees. Therefore, the advocate filed an application for transferring the advocate fees through RTGS to his bank account. The affidavit and application filed by the advocate to that effect, was returned without assigning any reason as the



6. With the above direction, the civil revision petition is allowed.

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V.SIVAGNANAM, J.,

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