



C.R.P.(MD)No.173 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

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THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.173 of 2024

R.Muniyammal

.. Petitioner/Petitioner/1st Claimant

Vs.

The Branch Manager,
IFFCO TOKIO General Insurance Co Ltd.,
2nd Floor, 82, Preetham Plaza Chandra,
Kandur Nagar Ponmer,
Bye-pass Road,
Madurai.

... Respondent/Respondent/2nd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair order and decreetal order made in I.A.No.4 of 2023 in M.C.O.P.No.128 of 2020 dated 17.08.2023 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

For Petitioners : Mr.M.Thirunavukkarasu

ORDER

This civil revision petition has been filed against the fair order and decreetal order made in I.A.No.4 of 2023 in M.C.O.P.No.128 of 2020,



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dated 17.08.2023 on the file of the Motor Accident Claims Tribunal /
Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur.

2.Claiming compensation amount for the death of her husband, the petitioner along with minor children filed M.C.O.P.No.127 and 128 of 2020. The compensation was fixed as Rs.27,00,000/- to the petitioner. In pursuance of the above said order, full amount was deposited by the Insurance Company on 04.08.2021. As per the order passed by the Tribunal 50% of the amount was withdrawn by the petitioner by filing I.A.No.1 of 2023. The balance is pending with the Bank on deposit for three years.

3.Seeking permission to withdraw the balance amount, the petitioner filed the impugned petition stating that for the purpose of making domestic expenses and for maintaining the children, she wants the amount to be withdrawn. It was dismissed by the trial Court stating that the petitioner failed to substantiate and justify the reasons.



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4. But the fact remains is that the M.C.O.P. was filed in the year 2020 for the occurrence said to have been taken place on 12.07.2020.

Considering the duration of the above said proceedings and considering the facts and circumstances of the case, the petitioner may be permitted, since no prejudice will be caused either to the Insurance Company or any other person.

5. Accordingly, there shall be a direction to the trial Court to permit the petitioner to withdraw the above said amount by following proper procedure. This civil revision petition is allowed with the above said direction. No costs.

29.01.2024

Index : Yes / No
Internet : Yes / No
TM

To

1. The Chief Judicial Magistrate, Motor Accident Claims Tribunal,
Virudhunagar District.
2. The Section Officer,
E.R. Section/V.R. Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN,J.

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