



C.R.P.(MD)No.1455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 30.10.2024

Pronounced on : 15.11.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)No.1455 of 2024

and

C.M.P.(MD)No.8591 of 2024

The Branch Manager,
Liberty General Insurance Company Ltd.,
D.No.79/2, 3rd Floor,
Raja Barley Building,
Bye Pass Road,
Madurai – 625 010.

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

Vs.

1.Teek Mary

1st Respondent / Petitioner / Petitioner

2.The Branch Manager,
Indian Banck,
KTC Nagar Branch,
Tirunelveli.

*(R2 is suo motu impleaded vide order dated
04.07.2024 in C.R.P.(MD)No.1455 of 2024 by DBCJ)*

3.The Reserve Bank of India,
Mumbai.

*(R3 is suo motu impleaded vide order dated
29.08.2024 in C.R.P.(MD)No.1455 of 2024 by
GRSJ)*



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4.Gitam Institute of Pharmacy,
Gandhinagar Campus,
Rushikonda,
Visakapatnam – 530 045.

... Respondents

*(R4 is suo motu impleaded vide order dated
09.09.2024 in C.R.P.(MD)No.1455 of 2024 by
GRSJ)*

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 30.04.2024 passed in E.P.No.11 of 2024 in M.C.O.P.No.489 of 2017 on the file of the Motor Accident Claims Tribunal (Principal Subordinate Court), Tirunelveli.

For Petitioner : Mr.K.R.Shivahankari

For Respondents : Mr.T.Lenin Kumar for R1.

Mr.K.R.Laxman for R3.

Mr.C.Karthick for R2.

Mr.M.Karthikeyavenkitachalapathy for R4

ORDER

Heard both sides.

2.One Teek Mary filed M.C.O.P.No.489 of 2019 on the file of Principal Sub Court, Thirunelveli seeking compensation under Section 166 read with Section 140 of the Motors Vehicles Act. Award was passed in her favour on



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28.09.2022. Liberty General Insurance Company Limited, Madurai was directed to pay a sum of Rs.3.83,362/- with interest. The Court below also furnished the virtual account number in which the compensation amount should be deposited

3.E.PNo.11 of 2024 was filed for enforcing the award. The insurance company pleaded that they had complied with the award. When verified, it was noted that the virtual account number originally given by the Court below was incorrect. Thereupon, application for amending the decretal order was filed and it was also allowed on 19.02.2024.

4.Even though, the account number was wrongly mentioned in the award, the Court below allowed E.P.No.11 of 2024 filed by the claimant and the properties of the insurance company was ordered to be attached and brought to auction sale. Questioning the said order dated 30.04.2024, the present Civil Revision Petition came to be filed.

5.RBI was suo motu added as a party since there was some confusion as to whether the award amount was actually deposited by the insurance company.



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6.The learned Standing Counsel for the Indian Bank was also asked to verify the facts.

7.Since the virtual account number was wrongly given, the amount had been credited in favour of one Gitam Institute of Pharmacy, Visakapatnam. The said institution was *suo motu* impleaded as fourth respondent in this civil revision petition and notice was ordered to them. They entered appearance through counsel and also filed memo confirming the deposit of Rs.4,76,827/- in their account by Liberty General Insurance Company in the year 2022. They further state that the said amount was not withdrawn but kept in a separate account. After receiving notice from this Court, they took demand draft bearing No.608932 dated 20.09.2024 drawn on Union Bank of India for Rs.4,76,827/- favouring the said insurance company. The demand draft was handed over to the learned counsel for the revision petitioner.

8.Neither the claimant nor the insurance company can be blamed for what has happened in this case. Gitam also cannot be blamed. It is an university having very large number of transactions. They really did not know the purpose of the deposit. That is why, they kept the amount in a separate account and immediately repaid the same to the depositor namely, Liberty



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General Insurance Company. It is the Court that must take the blame. The original award has been enclosed in the typed set of papers. In the said award, the virtual account number has been mentioned as V0005834892019. The virtual account number starts with V0005834892019 is the number included for identification purpose. The virtual account of the Principal Sub Judge (MACT) Tirunelveli is V00583 only. Because one zero was erroneously added, the amount came to be credited in the account of Gitam Institute of Pharmacy, Visakapatnam.

9. When the insurance company is not at fault, the question of attaching its properties does not arise at all. The Court below had not applied its mind. Only if the Court below had come to the conclusion that the award had not been complied with, it could have ordered attachment and sale of the properties of the insurer. Such is not the case here. For the fault committed by the Court, the judgment debtor has been fastened with liability. It is a case of miscarriage of justice. The impugned order is set aside.

10. The claimant cannot be left in the lurch. Now that the amount deposited by the insurer in the account of Gitam has been returned, the insurer shall deposit the same in the Court account without delay, if it has not been



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done already. Once it is done, it shall be paid to the claimant / decree holder.

Next comes the question of interest. Doctrine of public accountability demands that the claimant is not denied the interest to which she is legally entitled to. Only because of the lapse on the part of the court employee, the receipt of the award amount has been delayed. This delay has to be compensated by payment of interest. The learned Principal District Judge, Tirunelveli is directed to conduct an enquiry in the matter and determine the person who was negligent and was responsible for erroneous addition of an extra zero in the virtual account number. It is that court employee who has to bear the interest burden calculated till the date of this order. Public servants have to discharge their duties properly and with utmost care. If any mistake or lapse on their part causes injury or loss to any member of the general public, the employee responsible for the mistake must be held accountable and made to pay for the same. That is why, I direct that immediate steps shall be taken so that the erring employee makes the said payment. Once the interest amount is recovered from the court employee, the same shall be paid to the decree holder / claimant. This exercise shall be carried within a period of twelve weeks from the date of receipt of a copy of this order. If the revision petitioner had made any fresh deposit pursuant to any interim order granted by this Court, liberty is given to them to withdraw the same.



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11.This civil revision petition is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

15.11.2024

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

The Motor Accident Claims Tribunal
(Principal Subordinate Court),
Tirunelveli.



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G.R.SWAMINATHAN, J.

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