



C.R.P.(MD)No.3428 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.3428 of 2023

Uma @ Athilakshmi ... Petitioner / Petitioner / Respondent

Vs.

M/s. National Insurance Company Ltd.,

Branch No.1, Through its

Branch Manager, Trichy.

... Respondent/2nd Respondent/

2nd Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Docket order dated 13.12.2022 passed in unnumbered I.A.No. Of 2022 in M.C.O.P.No.1 of 2004 pending on the file of the Motor Accident Claims Tribunal, IV Additional District Judge (ADJ-IV), Tirunelveli and direct to the lower Court to number the I.A. and to dispose of the same on merits.

For Petitioner : Mr.S.Premkumar



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ORDER

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This petition has been filed challenging the Docket order dated 13.12.2022 passed in unnumbered I.A.No. Of 2022 in M.C.O.P.No.1 of 2004 pending on the file of the Motor Accident Claims Tribunal, IV Additional District Judge (ADJ-IV), Tirunelveli.

2. Seeking compensation for the death of the deceased Damodharan M.C.O.P.No.1 of 2004, was filed by the petitioners. The first petitioner is his wife, second and third petitioners are his minor children and the fourth petitioner is his mother. The deceased is the father of the petitioners. That was referred to the Lok Adalath. That was settled between the parties. In the Lok Adalath, the Insurance Company agreed for settlement of Rs.2,81,400/- without any subsequent interest in full quit.

3. In pursuance of the above said settlement, the Insurance Company deposited the money into the credit of this number before the Tribunal. Later it was deposited into the interest bearing account also. But seeking return of the above said amount, the petition was filed by the



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petitioners, that came to be returned from the Tribunal, stating that no online records are available. It is not proper on the side of the Tribunal. It is the duty of the Tribunal to return the money to the claimants. Without properly appreciating the above said claim, it came to be returned even without ascertaining present position.

4.In view of the above, there shall be a direction to the Tribunal to entertain the above said petition immediately and proceed the same to disburse the amount to the petitioners. The above said process to be completed within a period of **fifteen** days from the date of receipt of a copy of this order. Let the original petition be represented by the petitioner before the Tribunal. For that purpose, let the petition be returned to the petitioner under proper acknowledgment.

5.With the above said directions, this petition stands allowed. No costs.

10.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM



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To

1.The Motor Accident Claims Tribunal-
IV Additional District Judge (ADJ-IV),
Tirunelveli.

2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVA,J.

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