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C.R.P.No.5236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.5236 of 2024

1.E.Mahendra Selvi

2.E.Thenkavi

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Petitioners

Vs.

1.Metropolitan Transport Corporation,
Rep by Managing Director,
Pallavan Illam, Chennai.

2.Sagunthala (deceased)
Wife of Challavelu.

3.Chellavelu (deceased)
Son of Munusamy

...

Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 24.06.2024 passed in M.P.No.02 of 2024 in M.C.O.P. No.2159 of 2011 by the Motor Accident Claims Tribunal, Chennai (Chief Judge, Court of Small Causes, Chennai) and allow the above M.P.No.02 of 2024 in M.C.O.P.



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No.2159 of 2011 in so far as permit the 1st petitioner to withdraw half the share of deceased respondents (Sagunthala & Chellavelu) i.e., a sum of Rs.10,00,000/- (Ten Lakhs).

For Petitioner : Mr.P.Saravanan

ORDER

This civil revision petition challenges the order passed by the learned Chief Judge, Court of Small Causes, Chennai, in M.P.No.02 of 2024 in M.C.O.P. No.2159 of 2011, dated 24.06.2024.

2.The civil revision petitioners are the wife and the daughter of one Elumalai. Elumalai passed away in a motor accident on 13.03.2010. Pursuant thereto, a claim petition was filed in MCOP No.2159 of 2011. The Tribunal granted an Award for Rs.99,12,448/- together with interest. It was to be apportioned between the civil revision petitioners and the parents of the deceased Elumalai.

3.An appeal was preferred against the Award to this Court. The appeal in C.M.A.No.1027 of 2017 was partly allowed, reducing the



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compensation from the aforesaid figure to Rs.96,95,272/-. In the said appeal, this Court had directed that a sum of Rs.10,00,000/- to be given to each of the parents of the deceased Elumalai. The petitioners have received their part of the compensation.

4.Subsequently, they have filed the present petition seeking for withdrawal of the compensation that had been awarded to the parents. According to the civil revision petitioners as the parents of Elumalai are no more, they are entitled to the compensation.

5.The learned Trial Judge, after hearing the arguments, dismissed the petition. Hence this civil revision petition.

6.Heard Mr.P.Saravanan in support of the revision.

7.The petitioners claim the compensation which has been awarded to the mother of the deceased Elumalai, namely, Sagunthala and father



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Chellavelu. The parents, having passed away, the amount awarded to them would have to be divided in terms of the Hindu Succession Act. As argued by Mr. P.Saravanan, the petitioners are Class I heirs of Chellavelu. Apart from the petitioners, the deceased Sagunthala and Chellavelu have other legal heirs. If that be the position, the petitioners are not entitled to withdraw the entire amount that has been deposited by the first respondent. They only have a claim to a fractional share in the estate of the deceased Sagunthala and Chellavelu. Hence, I do not find any reason to take a different view than that has been taken by the learned Chief Judge, Court of Small Causes, Chennai.

8.It is always open to the civil revision petitioners to file an application for withdrawal of the amount along with the other legal heirs of Chellavelu and Sagunthala. The ratio in which the petitioners and the other legal heirs are entitled to the share will be decided at the time of disposal of those applications. Suffice to state that the petitioners are not entitled to withdraw the entire amount.



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9.The civil revision petition stands dismissed with the abovesaid

liberty. No Costs.

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03.01.2025

Internet: Yes

Index: Yes/No

Speaking/Non speaking order

NCC: Yes/No

To:

1.The Chief Judge,
Court of Small Causes, Chennai.

2.Metropolitan Transport Corporation,
Rep by Managing Director,
Pallavan Illam, Chennai.

V.LAKSHMINARAYANAN,J.

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