

Krishnasamy. Vs. P.Muralitharan and ors.

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Court : Chennai

Decided On : Jul-06-2012

Judge : G.Rajasuria, J.

Acts : [Constitution of India](#) - Articles 227

Appeal No. : C.R.P.(NPD).No.440 of 2010 and M.P.No.1 of 2011

Appellant : Krishnasamy

Respondent : P.Muralitharan and ors.

Advocate for Def. : Mr.J.Chandran, Adv.

Advocate for Pet/Ap. : Mr.S.Kaithamalai Kumaran, Adv.

Judgement :

Civil Revision Petition filed under Article 227 of the [Constitution of India](#) to set aside the fair and final order dated 29.12.2009 in I.A.No.717 of 2009 in MCOP No.251 of 2005 on the file of the Principal Sub Court, Erode.

ORDER

1. Animadverting upon the order dated 29.12.2009 passed in I.A.No.717 of 2009 in MCOP No.251 of 2005, by the learned Principal Subordinate Judge, Erode, this civil revision petition is focussed.

2. A thumbnail sketch of the germane facts absolutely necessary for the disposal of this revision petition would run thus:

The Motor Accidents Claims Tribunal, dismissed I.A.No.717 of 2009 for withdrawal of the Award amount of Rs.1,34,171/-, on the main ground that the deposit was made for three years and it was pre matured to release the amount. Whereas the learned counsel for the petitioner would submit that his client is in need of the amount for his medical treatment.

3. At this juncture, I would like to call up Rules 18, 19 and 20 of the Tamil Nadu Motor Vehicles Accidents Claims Tribunal Rules 1989.

4. The learned counsel for the petitioner would submit that his client is literate only and he is need of money. Be that as it may, the amount was deposited as on 08.09.2009 and now we are in July 2012. By this time, almost three years also is going to expire. In such a case, I do not think that there could be any objection to release the money. Hence in these circumstances, the Award amount due payable to the petitioner, shall be paid to him.

In the result, this civil revision petition stands allowed. No costs.

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