

C.M.P.No.11094 of 2016
in
C.M.A.No.2729 of 2012

T. MATHIVANAN.J.,

This petition is filed by the petitioner/appellant, praying to permit the petitioner to withdraw the amount of Rs.18,69,371/- lying in the deposit of MCOP.No.312 of 2009 on the file of Principal Subordinate Judge and Motor Accident Claims Tribunal, Coimbatore.

2. The Tribunal has awarded a total sum of Rs.17,98,044/- as against the claim of Rs.55,00,000/-.

3. As per the direction of the Tribunal, the third respondent/Insurance Company had already deposited the entire award amount with accrued interest and costs. Out of the deposited amount, already, the appellant/claimant was permitted to withdraw the medical expenses of Rs.7,69,055/- and the remaining amount was ordered to be invested in anyone of the Nationalized Bank under Fixed Deposit Scheme. Accordingly, the amount is lying in the fixed deposit for three years and the three years period was already expired. Therefore, there may not be any impediment in permitting the petitioner/claimant to withdraw the amount lying in the Fixed Deposit.

T.MATHIVANAN,J.,

nvi

4. It is significant to note here that the respondent/Insurance Company has not challenged the award and the claimant alone has come forward with this appeal for enhancement.

5. Therefore, this petition is allowed and the appellant/claimant is permitted to withdraw the remaining amount, along with accrued interest and costs, without filing any formal petition.

List the appeal on 06.09.2016.

11.08.2016

nvi

Note: Issue order copy on 18.08.2016

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