C.M.P.No.15851 of 2016
in
C.M.A.No.985 of 2015

M.JAICHANDREN, J.
AND
S.BASKARAN, J.

The petitioner has come forward with this petition seeking permission to withdraw the entire award amount deposited to the credit of M.C.O.P.No.969 of 2009 on the file of the Motor Accident Claims Tribunal/Principal District Court, Krishnagiri, with the interest accrued thereon.

2. The learned counsel appearing for the petitioners has stated that, after the death of the husband of the first petitioner, nobody is taking care of the petitioners and therefore, it is difficult for them to carry on their day to day life. Hence, the petitioners may be permitted to withdraw the entire award amount with the interest accrued thereon.

3. The said submission of the learned counsel for the petitioners had not been disputed by the learned counsel for the first respondent/Insurance Company. However, the learned counsel for the Insurance Company had submitted that, as the appeal had been filed disputing the quantum of compensation, the petitioners may be allowed

to withdraw 50% of the deposited amount. Further, the learned counsel for the first respondent has submitted that the entire award amount has been deposited with the accrued interest thereon.

4. Admittedly, the entire award amount has been deposited by the first respondent/insurance company with the interest accrued thereon.

5. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel for the petitioners, as well as the learned counsel appearing for the first respondent/Insurance Company, we are of the view that it is just and proper to permit the petitioners 1 to 3 to withdraw 50% in their respective shares of the award amount, with the proportionate interest accrued thereon, by filing a proper application, before the appropriate Court, in accordance with the procedure prescribed.

6. As far as the petitioners 4 and 5 are concerned, as they are minors, we are of the view that the respective shares of the minors, shall be deposited in their names, in a fixed deposit, which accrues highest rate of interest, in anyone of the nationalised banks, initially for a period of three years, and thereafter, the same shall be renewed, till they attain majority.

This petition is ordered accordingly.

(M.J.,J.) (S.B., J.)
24.11.2016

M.JAICHANDREN, J.
AND
S.BASKARAN, J.

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