

C.M.P.No.16913 of 2016
in
C.M.A.No.1846 of 2016

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

This petition has been filed, praying that this Court may be pleased to permit the petitioners to withdraw the entire amount of Rs.25,51,497/-, deposited by the first respondent/Insurance Company, to the credit of M.C.O.P.No.138 of 2013, on the file of the Motor Accident Claims Tribunal/II Additional District Court, Poonamallee, pending disposal of the above Civil Miscellaneous Appeal.

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.

4. 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 first petitioner to withdraw a sum of Rs.10,00,000/- (Rupees Ten Lakhs only), and the fourth and the fifth petitioners each are permitted to withdraw a sum of Rs.2,50,000/- (Rupees Two lakhs fifty thousand only) with the proportionate interest accrued thereon, by filing a proper application, before the appropriate Court, in accordance with the procedure prescribed. The balance amount, out of Rs.25,51,497/-, shall be deposited in the names of the minors, who are the second and the third petitioners, in a fixed deposit, which accrues the 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.)
23.11.2016

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AND
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