

C.M.P.No.17079 of 2016
in
C.M.A.No.917 of 2016

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

This petition has been filed, praying that this Court may be pleased to permit the petitioner to withdraw 50% of the award amount, with accrued interest thereon, deposited by the first respondent/Insurance Company, to the credit of M.C.O.P.No.517 of 2011 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Krishnagiri, pending disposal of the Civil Miscellaneous Appeal.

2. The learned counsel for the petitioner has stated that as the petitioner had suffered 60% permanent disability, he is not in a position to do any work as he had been doing before the accident. Further, he had spent a sum of Rs.4.00 lakhs towards medical expenses and even now he is taking treatment as an outpatient and therefore, he is in dire need of money.

3. The said submission of the learned counsel for the petitioner 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 has been filed disputing the quantum of compensation, the petitioner cannot be allowed to withdraw 50% of the award amount, as the same cannot be recovered from the

petitioner in the event the appeal is allowed in their favour and therefore, the learned counsel had suggested that the petitioner may be allowed to withdraw a consolidated amount as quantified by this Court.

4. Considering the facts and circumstances of the case and also the submission made by the learned counsel for the first respondent/Insurance Company, we are of the view that it is just and proper to permit the petitioner to withdraw a sum of Rs.5.00 lakhs (Rupees Five Lakhs only) from the amount deposited by the appellant/Insurance Company, to the credit of M.C.O.P.No.517 of 2011, on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Krishnagiri, by filing a proper application, before the appropriate Court.

This petition is ordered accordingly.

(M.J.,J.) (S.B., J.)
26.10.2016

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

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