

C.M.P.No.17300 of 2016
in
C.M.A.No.1575 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 the amount of Rs.8,83,894/-, deposited by the first respondent/Insurance Company, to the credit of M.A.C.T.O.P.No.3006 of 2012, on the file of the Motor Accident Claims Tribunal/VI Judge, Court of Small Causes, Chennai, pending disposal of the above Civil Miscellaneous Appeal.

2. The learned counsel appearing for the petitioner has stated that, as the petitioner had suffered injuries in the accident, he is not in a position to do any carpentry work and therefore, it is difficult for him to carry on his day to day life. Hence, the petitioner may be permitted to withdraw the award amount with the interest accrued thereon.

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 had been

filed disputing the quantum of compensation, the petitioner may be allowed to withdraw 50% of the deposited amount.

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 50% of the amount, from the amount deposited by the first respondent/Insurance Company, with the proportionate interest accrued thereon, by filing a proper application, before the appropriate Court, in accordance with the procedure prescribed.

This petition is ordered accordingly.

(M.J.,J.) (S.B., J.)
18.11.2016

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AND
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