



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Friday, the Sixteenth day of December Two Thousand Sixteen

PRESENT

**The Hon`ble Mr.Justice R.SUBBIAH  
and**

**The Hon`ble Mrs.Justice J.NISHA BANU**

CMP(MD) No.11823 to 11826 of 2016

IN

CMA(MD) No.858 to 861 of 2016

**CMP(MD)NO.11823/2016 IN CMA(MD)NO.858/2016 :**

VINITHA ... PETITIONER/RESPONDENT

Vs

1 THE NATIONAL INSURANCE CO.LTD.  
THROUGH ITS BRANCH MANAGER,  
TUTICORIN DISTRICT ..1ST RESPONDENT/APPELLANT

2 LINGARAJ, .. 2ND RESPONDENT/2ND RESPONDENT

3 P.K.SANTHANAM, .. 3RD RESPONDENT/3RD RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Transfer the deposited Amount of Rs.1,14,337/- in CMA(MD)No.858 of 2016, which is under deposit (receipt No.435986) from Indian Bank, High Court Branch, Madurai to the II Additional District Court, Tuticorin in MCOPNo.411 of 2013 and thus render justice.

**CMP(MD)NO.11824/2016 IN CMA(MD)NO.859/2016 :**

1 VINITHA  
2 MINOR ROHITH VINAI  
(REP. BY THROUGH HIS MOTHER  
AS NATURAL GUARDIAN  
1ST PETITIONER) ... PETITIONERS/1ST &2ND RESPONDENT

Vs

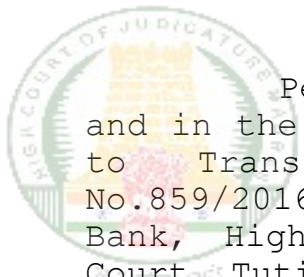
1 THE NATIONAL INSURANCE CO.LTD.  
THROUGH ITS BRANCH MANAGER,  
TUTICORIN DISTRICT ..1ST RESPONDENT/APPELLANT

2 LINGARAJ, .. 2ND RESPONDENT/3RD RESPONDENT

3 P.K.SANTHANAM, .. 3RD RESPONDENT/4TH RESPONDENT

<https://hcservices.ecourts.gov.in/hcservices/>

4. AMSAVALI .. 4TH RESPONDENT/5TH RESPONDENT



Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Transfer the deposited Amount of Rs.32,16,707/- in CMA(MD) No.859/2016, which is under deposit (receipt No.435987) from Indian Bank, High Court Branch, Madurai to the II Additional District Court, Tuticorin in MCOP No.415 of 2013 and thus render justice

**CMP (MD) NO.11825/2016 IN CMA (MD) NO.860/2016 :**

VINITHA ... PETITIONER/RESPONDENT  
Vs

1 THE NATIONAL INSURANCE CO.LTD.  
THROUGH ITS BRANCH MANAGER,  
TUTICORIN DISTRICT ..1ST RESPONDENT/APPELLANT

2 LINGARAJ, .. 2ND RESPONDENT/2ND RESPONDENT

3 P.K.SANTHANAM, .. 3RD RESPONDENT/3RD RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Transfer the deposited Amount of Rs.3,91,800/- in CMA(MD) No.860 of 2016, which is under deposit (receipt No.435985) from Indian Bank, High Court Branch, Madurai to the II Additional District Court, Tuticorin in MCOP No.418 of 2013 and thus render justice.

**CMP (MD) NO.11826/2016 IN CMA (MD) NO.861/2016 :**

1 T.S.JEYAKUMAR  
2 J.MOHAN  
3 J.NIRMALA ... PETITIONERS/RESPONDENTS  
Vs

1 THE NATIONAL INSURANCE CO.LTD.  
THROUGH ITS BRANCH MANAGER,  
TUTICORIN DISTRICT ..1ST RESPONDENT/APPELLANT

2 LINGARAJ, .. 2ND RESPONDENT/4TH RESPONDENT

3 P.K.SANTHANAM, .. 3RD RESPONDENT/5TH RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Transfer the deposited Amount of Rs.1,07,753/- in CMA(MD) No.861 of 2016, which is under deposit (receipt No.4359854 from Indian Bank, High Court Branch, Madurai to the II Additional District Court, Tuticorin in MCOP No.82 of 2014 and thus render justice.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S. S.SENTHIL SANKARA NATHA KUMAR Advocate for the petitioner in all the petitions and of MR.D.SIVARAMAN,  
<https://hcservices.ecourts.gov.in/hcservices/>



Advocate for the Respondents in all the petitions the court made the following order:-

[Order of the Court was made by **R.SUBBIAH, J.**]

While granting an order of interim stay on 23.08.2016, this Court has passed a conditional order, directing the Insurance Company to deposit 50% of the claim allowed, before the Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai. Accordingly, the amount had been deposited with the Indian Bank, High Court Branch.

2. Now, the petitioners have come forward with the present petitions to transfer the amount deposited, stating that they have filed the petitions before the Second Additional District Court, Tuticorin, to send for the amount deposited to the Court deposit in M.C.O.P.Nos.411, 415, 418 of 2013 and 82 of 2014. The said petitions were returned by the Court stating that the petitions have to be filed before the appropriate forum. Hence, they have come forward with the present petitions to transfer the deposited amount of Rs.1,14,337/- in C.M.A.(MD)No.858 of 2016, which is under deposit receipt No.435986, Rs.32,16,707/- in C.M.A.(MD)No.859 of 2016, which is under deposit receipt No.435987, Rs.3,91,800/- in C.M.A.(MD)No.860 of 2016, which is under deposit receipt No.435985 and Rs.1,07,753/- in C.M.A.(MD)No.861 of 2016, which is under deposit receipt No.435984, respectively, from Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai, to the Second Additional District Court, Tuticorin.

3. The learned Standing Counsel appearing for the Insurance Company also wants to transfer the amount deposited, as sought for by the petitioners.

4. In view of the same, the Manager, Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai, is directed to transfer the deposited amount of Rs.1,14,337/- in C.M.A.(MD)No.858 of 2016, which is under deposit receipt No.435986, Rs.32,16,707/- in C.M.A.(MD)No.859 of 2016, which is under deposit receipt No.435987, Rs.3,91,800/- in C.M.A.(MD)No.860 of 2016, which is under deposit receipt No.435985 and Rs.1,07,753/- in C.M.A.(MD)No.861 of 2016, which is under deposit receipt No.435984, respectively, to the credit of M.C.O.P.Nos.411, 415, 418 of 2013 and 82 of 2014 respectively, on the file of the Second Additional District Court, Tuticorin, to enable the petitioners/claimants to withdraw the amount. The Insurance Company is also directed to surrender the FD with Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai, so as to enable the bank to transfer the amount to the Tribunal. On such deposit, the Tribunal is directed to deposit the minor's share in the interest bearing account in any of the Nationalized Banks initially for a period of three years with a provision for renewal.



5. These petitions are ordered accordingly.

sd/-  
16/12/2016

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WEB COPY

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

1 THE II ADDITIONAL DISTRICT JUDGE, TUTICORIN

2 THE INDIAN BANK, HIGH COURT BRANCH,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S. S.SENTHIL SANKARA NATHA KUMAR  
Advocate SR.No.82068

GJM/SKS/RR/SAR-3-22.12.16-4P-4C

ORDER  
IN  
CMP(MD) No.11823 & 11826 of 2016  
IN  
CMA(MD) No.858 & 861 of 2016  
Date :16/12/2016