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

Friday, the Twenty Sixth day of February Two Thousand Sixteen
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.1911 of 2016

IN

CMA(MD) No.920 of 2014

1 RAVI

2 KALYANI

... PETITIONER/RESPONDENTS 1 & 2

Vs

THE GENERAL MANAGER

TAMIL NADU STATE TRANSPORT CORPORATION,

MARUTHUPATHY NAGAR, KARAIKUDI TOWN,

SIVAGANGAI DIST.

... RESPONDENT/APPELLANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw the award amount and entire accrued interest in the above CMA(MD)No.920 of 2014 and the amount was deposited in MCOP No.13 of 2013 on the file of the Motor Accident Claims Tribunal, (Sub Court) Paramakudi.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S. D.SENTHIL, Advocate for the petitioner and of MR.P.PRABHAHARAN Advocate on behalf of the Respondent the court made the following order:-

The petitioners have filed M.C.O.P.No.13 of 2013 before the Motor Accident Claims Tribunal (Sub Court), Paramakudi, for the death of their son in the road accident on 03.12.2012. The Tribunal by judgement dated 04.01.2014 awarded a total sum of Rs.6,35,000/- as compensation in the ratio of 50:50 i.e., Rs.3,17,500/- to be paid by the appellant / Transport Corporation.

2.Challenging the said award, the respondent / appellant / Transport Corporation has filed the Civil Miscellaneous Appeal in C.M.A.(MD)No.920 of 2014. This Court by order dated 09.09.2014 granted an order of interim stay on condition to deposit the entire amount granted in M.C.O.P.No.13 of 2013 within a period of four weeks to the credit of M.C.O.P.No.13 of 2013.

3.The learned counsel for the respondent / appellant submitted that the appellant / respondent is challenging the liability and objected for withdrawal of the award amount and prayed for dismissal of the Miscellaneous petition.



4.The petitioners have come out with the present petition seeking to withdraw the entire amount deposited by the appellant for their medical expenses.

5.Considering the reasons stated in the affidavit, the petitioner is permitted to withdraw 50% of the amount deposited in M.C.O.P.No.13 of 2013 and the learned Sub Judge, Motor Accident Claims Tribunal Paramakudi is directed to deposit the balance 50% amount in Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai, in a fixed deposit initially for a period of one year and renewable thereafter, periodically until further orders and the petitioners are permitted to withdraw interest once in three months.

sd/-
26/02/2016

/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE
MOTOR ACCIDENT CLAIMS TRIBUNAL PARAMAKUDI

2 THE MANAGER
INDIAN BANK, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S. D.SENTHIL Advocate SR.No.11501

ORDER
IN
CMP(MD) No.1911 of 2016
IN
CMA(MD) No.920 of 2014
Date :26/02/2016

AA/SKS-RR/SAR-I/15.03.2016/2p-4c