



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

Tuesday, the Fifteenth day of March Two Thousand Sixteen

PRESENT

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

CMP(MD) No.2213 of 2016
IN
CMA(MD) No.1357 of 2015

B.VEERASEKARAN ... PETITIONER/1st RESPONDENT/PETITIONER

Vs

1 THE BRANCH MANAGER,
THE UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, SOUTH MAIN ROAD,
THANJAVUR. ... 1st RESPONDENT/APPELLANT/2nd RESPONDENT
2 PRATHEBHA ... 2nd RESPONDENT/2nd RESPONDENT/1st RESPONDENT

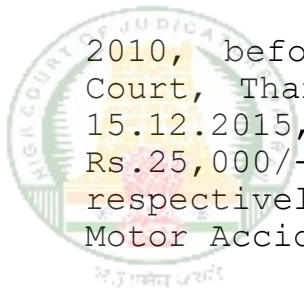
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw the 50% of the award amount together with proportionate interest and costs which was deposited by the 1st respondent in MCOP.No.478/2010 on the file of the Motor Accident Claims Tribunal / Special Sub-Court, Thanjavur in CMA.(MD). No.1357/2015.

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. N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of MR.A.S.MATHIALAGAN, Advocate on behalf of the Respondents the court made the following order:-

This Miscellaneous Petition is filed seeking permission of this Court to withdraw 50% of the award amount together with proportionate interests and costs deposited to the credit of MCOP.No.478 of 2010, on the file of Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur, in CMA(MD).No.1357 of 2015.

2. The petitioner herein has filed MCOP.No.478 of 2010, before the Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur, for claiming compensation, for the injury sustained by him, in the accident took place on 28.05.2008. They claimed a sum of Rs.12,50,000/- as compensation. The Tribunal awarded a sum of Rs.12,33,000/- with interest and costs.

3. Challenging the said order dated 27.04.2015, the appellant / Insurance Company filed the present appeal. At the time of admission, this Court granted interim stay on condition that the appellant shall deposit the admitted liability of Rs.5,00,000/- with proportionate interest and costs to the credit of MCOP.No.478 of



2010, before the Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur. As per the interim order of this Court, dated 15.12.2015, the appellant / Insurance has deposited a sum of Rs.25,000/- and Rs.16,81,770/-, on 23.09.2015 and 16.11.2015 respectively, to the credit of MCOP.No.478 of 2010, on the file of Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur.

4. Now, the petitioner has come out with the present petition, for permission to withdraw the 50% of the award amount deposited by the appellant / Insurance Company, stating that he needs money for his future medical expenses.

5. Heard the learned counsel appearing on either side.

6. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered permitting the petitioner to withdraw a sum of Rs.2,50,000/- (Rupees Two Lakhs and Fifty Thousand only) together with accrued interest lying in the credit of MCOP.NO.478 of 2010, on the file of Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur. The learned Motor Accidents Claims Tribunal / Special Sub Court, Thanjavur, is directed to deposit the balance amount in Indian Bank, Madurai Bench of Madras High Court Branch, Madurai in a Fixed Deposit initially for a period of one year and renewable thereafter periodically, till the disposal of the appeal, to the credit of CMA (MD).No.1357 of 2015.

7. Accordingly, the Miscellaneous Petition is ordered.

sd/-
15/03/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, SPECIAL SUBORDINATE JUGE,
THANJAVUR.

Copy to:-
The Manager, Indian Bank,
Madurai Bench of Madras High Court Branch, Madurai.

+1. C.C. to M/S. N.SUDHAGAR NAGARAJ Advocate SR.No.14809
ORDER
IN
CMP (MD) No.2213 of 2016
IN
CMA (MD) No.1357 of 2015
Date :15/03/2016