



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

Thursday, the Seventeenth day of March Two Thousand Sixteen

PRESENT

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

WEB COPY

CMP(MD) No.2449 of 2016  
IN  
CMA(MD) No.31 of 2016

1 RAMALAKSHMI  
2 SUNDARAM

... PETITIONERS/RESPONDENTS

Vs

STATE EXPRESS TRANSPORT CORPORATION LTD.,  
THROUGH ITS GENERAL MANAGER,  
MARUDHUPATHI, KARAIKUDI TALUK,  
SIVAGANGAI DISTRICT.

... RESPONDENT/APELLANT

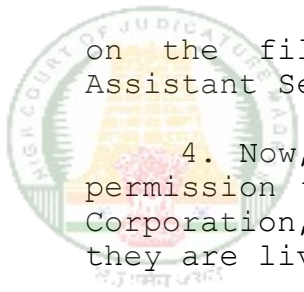
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners to withdraw 50% of the entire award amount with accrued interest and cost deposited to the credit of MCOP No.1 of 2011 on the file of the MACT, (Subordinate and Assistant Sessions Court), Devakottai, pending disposal of the above CMA(MD) No.31 of 2016 and thus render justice.

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.T.SELVAKUMARAN, Advocate for the petitioner and of Mr.D.Sivaraman, Advocate for the Respondent, the court made the following order:-

This Miscellaneous Petition is filed seeking permission of this Court to withdraw 50% of the entire award amount along with accrued interest and cost deposited to the credit of MCOP.No.1 of 2011, on the file of Motor Accidents Claims Tribunal / Subordinate and Assistant Sessions Court, Devakottai, in CMA(MD).No.31 of 2016.

2. The petitioners herein have filed MCOP.No.1 of 2011, before the Motor Accidents Claims Tribunal / Subordinate and Assistant Sessions Court, Devakottai, for claiming compensation, for the death of their son, in the accident took place on 25.08.2010. They claimed a sum of Rs.10,00,000/- as compensation. The Tribunal awarded a sum of Rs.9,42,000/- with interest and costs.

3. Challenging the said order dated 14.02.2013, the appellant / Transport Corporation filed the present appeal. At the time of admission, this Court granted interim stay on condition that the appellant shall deposit 50% of the award amount to the credit of MCOP.No.1 of 2011, before the Motor Accidents Claims Tribunal / Subordinate and Assistant Sessions Court, Devakottai. As per the interim order of this Court, the appellant / Transport Corporation has deposited the 50% of award amount, after deducting the amount already deposited, with proportionate interest and costs to the credit of MCOP.No.1 of 2011,



on the file of Motor Accidents Claims Tribunal / Subordinate and Assistant Sessions Court, Devakottai.

4. Now, the petitioners have come out with the present petition, for permission to withdraw the deposited amount by the appellant / Transport Corporation, stating that the petitioners have no source of income and they are living in starvation.

5. The learned counsel appearing for the appellant / Transport Corporation submitted that they are challenging the liability and opposed the same to withdraw the amount deposited.

6. Heard the learned counsel appearing on either side.

7. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is ordered permitting the petitioners to withdraw 50% of the amount deposited with accrued interest lying in the credit of MCOP.NO.1 of 2011, on the file of Motor Accidents Claims Tribunal / Subordinate and Assistant Sessions Court, Devakottai, as per the apportionment fixed by the Tribunal. The learned Motor Accidents Claims Tribunal / Subordinate and Assistant Sessions Court, Devakottai, 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.31 of 2016.

8. Accordingly, the Miscellaneous Petition is ordered.

sd/-  
17/03/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,  
(SUBORDINATE AND ASSISTANT SESSIONS COURT), DEVAKOTTAI

+1. C.C. to M/S.T.SELVAKUMARAN Advocate SR.No.15844

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

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ORDER  
IN  
CMP(MD) No.2449 of 2016  
IN  
CMA(MD) No.31 of 2016  
Date :17/03/2016