



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

Tuesday, the Fifth day of April Two Thousand Sixteen

PRESENT

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

CMP(MD) No.2913 of 2016
IN
CMA(MD) No.14 of 2015
against
M.C.O.P No.1085/1997

S.THANGAMALAI, ... PETITIONER/APPELLANT

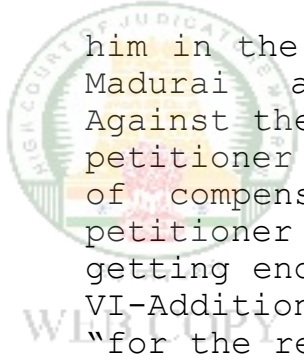
Vs

- 1 T.R.KANNAN,
PROPRIETOR OF JEYA VILAS TRANSPORT
(P) LIMITED.,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.
- 2 THE ORIENTAL INSURANCE COMPANY LIMITED
K.J.R.COMPLEX, NORTH VELI STREET, MADURAI-1.
- 3 M/S.SAMY AUTO MOBILES REP.
THROUGH ITS PROPRIETOR AND
HAVING ITS OFFICE AT T.P.K.ROAD,
MADURAI-1.
- 4 NEW INDIA ASSURANCE COMPANY LIMITED
REP THROUGH ITS BRANCH MANAGER AND
HAVING ITS OFFICE AT
VIRUDHUNAGAR DISTRICT. ... RESPONDENTS/RESPONDENTS NO.1 TO 4

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass necessary order by allowing this petition and thereby permit the petitioner to with draw the deposit amount along with cost and interest which was deposited by the respondent in MCOP No.1085 of 1997 on the file of the Motor Accident Claims Tribunal, VI Additional District Judge, Madurai.

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.MUTHULAKSHMI, Advocate for the petitioner and of MR.K.BHASKARAN Advocate for the Respondents the court made the following order:-

The petitioner filed M.C.O.P.No.1085 of 1997 on the file of the learned VI-Additional District Judge, Madurai claiming compensation of Rs.1,00,000/- (Rupees one lakh only) for the injuries sustained by



him in the road accident. The learned VI-Additional District Judge, Madurai awarded a sum of Rs.25,000/- by award dated 10.12.2012. Against the said award, the respondents did not file any appeal. The petitioner filed appeal in C.M.A.(MD)No.14 of 2015 for enhancement of compensation. The same is pending before this Court. The petitioner filed cheque petition, before the lower Court, after getting endorsement of no objection from the respondent counsel. The VI-Additional District Judge, Madurai, returned the same stating "for the reason of pending appeal, any order can not be delivered in the cheque petition". Now, the petitioner has come up with the present petition praying for permission to withdraw the deposited amount awarded by the Tribunal.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for the insurance company.

3. In the above circumstances, this Civil Miscellaneous Petition is ordered and the petitioner is permitted to withdraw the entire deposited amount awarded by the Tribunal with accrued interest and costs.

Post the C.M.A.(MD).No.14 of 2015 after two weeks for final disposal.

sd/-
05/04/2016

/ TRUE COPY /

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

TO
THE MOTOR ACCIDENT CLAIMS
TRIBUNAL VI ADDITIONAL DISTRICT JUDGE,
MADURAI

+1. C.C. to M/S. N.MUTHULAKSHMI Advocate SR.No.18975

ORDER
IN
CMP(MD) No.2913 of 2016
IN
CMA(MD) No.14 of 2015
Date :05/04/2016

GJM/SKS/RR/SAR-I-12.4.16-2P-3C