



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

Friday, the First day of April Two Thousand Sixteen

PRESENT

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

WEB COPY

CMP(MD) No.2934 of 2016

IN

CMA(MD) No.1056 of 2007

1 SIVAGAMI

2 MINOR.PRABA

3 MINOR. PRATHIBA

4 MINOR. HEMA

5 MINOR.SUDALAIMANI

6 MINOR.SIVALINGAM

(MINOR PETITIONERS THRO THEIR MOTHER AND NEXT
FRIEND SIVAGAMI)

... PETITIONERS/APPELLANTS

Vs

1 SANKAR

2 NATIONAL INSURANCE COMPANY LTD.,

THROUGH ITS DIVISIONAL MANGER

No.37C, S.N.HIGH ROAD, OPP. TO HEAD POST OFFICE,
TIRUNELVELI.

3 PERIYASAMY

4 UNITED INDIA INSURANCE COMPANY LTD.,

THROUGH ITS BRANCH MANAGER,

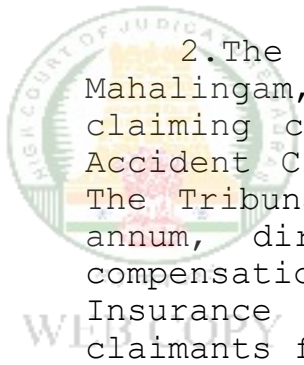
No.3E,BALAVAINAYAGAR KOIL STREET,
TUTICORIN.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the permit the 3rd petitioner to withdraw her share amount 3rd petitioner her share deposited the credit of MCOP NO.294 of 2004 on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Tirunelveli, pending disposal of the above CMA(MD) NO.1056 of 2007.

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.R.SRINIVASAN, Advocate for R1 and MR.N.SIVAKUMAR, Advocate for R4, the court made the following order:-

This Civil Miscellaneous Petition has been filed to permit the 3rd petitioner to withdraw the award amount in respect of her share, which was deposited to the credit of M.C.O.P.No.294 of 2004 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tirunelveli.



2.The petitioners / claimants, who are the legal heirs of one Mahalingam, died in a road accident, filed claim petition for claiming compensation in M.C.O.P.No.294 of 2004 before the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Tirunelveli. The Tribunal awarded a sum of Rs.2,95,500/- with 6% interest per annum, directing the respondents 2 and 3 to pay the entire compensation individually or jointly to the claimants. The Insurance Company did not prefer any appeal. The petitioners / claimants filed the Civil Miscellaneous Appeal challenging the award amount for enhancement of compensation.

3.The 3rd petitioner, who has been declared as major by order dated 10.03.2014 made in M.P.(MD)No.1 of 2015, filed the present petition to withdraw her share for her marriage expenses.

4.The learned counsel for the 2nd respondent has no objection to allow this petition.

5.Recording the no objection made by the learned counsel for the 2nd respondent, the 3rd respondent is permitted to withdraw her portion of the share amount. Accordingly, this Civil Miscellaneous Petition is allowed.

sd/-
01/04/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
CHIEF JUDICIAL MAGISTRATE TIRUNELVELI.

+1. C.C. to M/S. T.SELVAKUMARAN Advocate SR.No.18396

RG.GSV-PM/AR-I 02.05.2016 2P/3C

ORDER
IN
CMP (MD) No.2934 of 2016
IN
CMA (MD) No.1056 of 2007
Date :01/04/2016