



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Eleventh day of April Two Thousand Sixteen

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

CMP(MD) No.3205 of 2016

IN

CMA(MD) No.1831 of 2013

1 E.MURUGESWARI
2 E.MARISELVI
3 MUNIASAMY
4 VEERAMMAL

... PETITIONERS/RESPONDENTS 1 TO 4

Vs

1 THE DIVISIONALMANAGER,
THE ORIENTAL INSURANCE CO.LTD.,
DIVISIONAL OFFICE-II,
D.NO.16, NORTH VELI ST.,
MADURAI 625 001.

...1st RESPONDENT/APELLANT

2 P.GOVINDARAJ

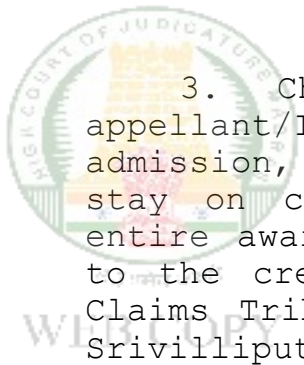
... 2nd RESPONDENT/5th RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the 3rd petitioner herein to withdraw the 50% of his respective share i.e., Rs.75,000/- from the award amount, with interest which is lying to the credit of M.C.O.P.No.254 of 2011 on the file of the MACT / Principal District Judge, Virudhunagar District at Srivilliputtur, pending disposal of the above CMA(MD) NO.1831 of 2013 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. V.B.SUNDHARESHWAR, Advocate for the petitioner and of MR.K.BASKARAN, Advocate for 5th Respondent, the court made the following order:-

This Miscellaneous Petition seeking permission of this Court to permit the third petitioner to withdraw 50% of his respective share I.e., Rs.75,000/- from the award amount, with interest which is lying to the credit of M.C.O.P.No.254 of 2011, on the file of the MACT/Principal District Judge, Virudhunagar District at Srivilliputtur.

2.The petitioners are the claimants filed MCOP.No.254 of 2011, before the Motor Accidents Claims Tribunal / Principal District Judge, Virudhunagar District at Srivilliputtur, claiming a sum of Rs.10,00,000/- as compensation, for the death of the husband of the first petitioner and father of the petitioners 2 & 3 and son of the fourth petitioner. The Tribunal awarded a sum of Rs.5,62,000/- with interest and costs.



3. Challenging the said award, dated 11.07.2013, the appellant/Insurance Company filed the present appeal. At the time of admission, this Court by the order, dated 18.11.2013 granted interim stay on condition that the appellant/Insurance Company deposits entire award amount, with proportionate accrued interest and costs to the credit of MCOP.No.254 of 2011, before the Motor Accident Claims Tribunal/Principal District Judge, Virudhunagar District at Srivilliputtur. As per the interim order of this Court, dated 18.11.2013, the appellant/Insurance Company has deposited the amount. The petitioners 1,2 & 4 have already withdrawn 50% of their respective shares with interest by filing petition before this Court.

4. Now, the third petitioner has come out with the present petition, for permission to withdraw 50% of his share amount, stating that the said amount is required for his educational expenses. He further stated that the third petitioner has already been declared as major in C.M.P.(MD)No.1786 of 2016, dated 26.02.2016.

5. The learned counsel for the appellant/Insurance Company submitted that the respondent has no objection to allow this petition.

6. Recording the no objection made by the learned counsel for the appellant, this petition is ordered permitting the third petitioner to withdraw 50% of his respective share I.e., Rs.75,000/- from the award amount, with interest lying in the credit of MCOP.No.254 of 2011, on the file of the Motor Accidents Claims Tribunal / Principal District Judge, Virudhunagar District at Srivilliputtur. The balance 50% of compensation awarded to the third petitioner shall be deposited in any one of the Nationalized Banks in a Fixed Deposit and the third petitioner is permitted to withdraw interest once in three months.

7. Accordingly, the Miscellaneous Petition is ordered.

sd/-
11/04/2016

/ TRUE COPY /

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

TO
THE MOTOR ACCIDENT CLAIMS
TRIBUNAL PRINCIPAL DISTRICT JUDGE, VIRUDHUNAGAR AT SRIVILLIPUTTUR.
RG.JGB-DP/AR-I 18.04.2016 2P.3C
+1 cc to Mr.M.THIRUNAVUKKARASU, Advocate, SR No.20032

ORDER
IN
CMP(MD) No.3205 of 2016
IN
CMA(MD) No.1831 of 2013
Date :11/04/2016