



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

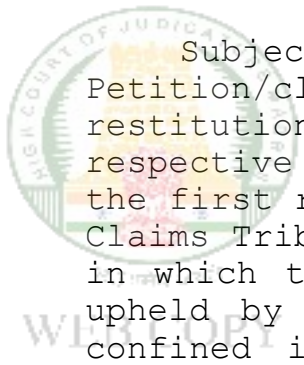
The Hon`ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon`ble Mr.Justice S.S.SUNDAR

CMP (MD) No.3402 of 2016
IN
CMA (MD) No.662 of 2015

- 1 KANNAN (DIED)
1. RATHINAMANI
2 MINOR.SUTHESH
S/O. LATE.MURUGAN,
REP.BY HIS NATURAL GUARDIAN/MOTHER RATHINAMANI,
3 AMARAVATHI ... PETITIONERS/RESPONDENTS 1,2 & 4
- Vs
- 1 THE DIVISIONAL MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD.,
III FLOOR, BANGOR DHARMASAL BUILDING,
NEAR ROYAL COURT HOTEL,
6-A, MELAVELI STREET, MADURAI. ... 1ST RESPONDENT/APELLANT
- 2 SUDHAKAR
(5TH RESPONDENT REMAINED EXPARTE BEFORE THE
LOWER COURT)
- 3 THE BRANCH MANAGER,
THE UNITED INDIA INSURANCE COMPANY,
443, PERIYAKULAM ROAD,
THENI. ... RESPONDENTS 2&3/RESPONDENTS 5&6

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 amount deposited by the 1st respondent to the credit of M.C.O.P. No.146/2012, on the file of the Motor Accident Claims Tribunal cum Sub judge, Uthamapalayam, with proportionate interest.

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. G.VANJINATHAN, Advocate for the petitioner and of MR.K.BHASKARAN, Advocate for R1, and MR.J.S.MURALI, Advocate for R3, the Court made the following order:-



Subject to the petitioners 1 and 3 in this Civil Miscellaneous Petition/claimants 1 and 4, giving an undertaking to this Court for restitution of money, they are permitted to withdraw 50% of their respective share in the amount deposited by the Insurance Company-the first respondent in M.C.O.P.No.146 of 2012 on the Motor Accident Claims Tribunal-cum-Sub Court, Uthamapalayam, in the same proportion in which their right to receive the claim has been considered and upheld by the Tribunal. The balance amount in deposit shall be confined into an interest bearing fixed deposit obtained for a period of three years initially and renewable thereafter, with any one of the Nationalised Banks available in that place.

2. Insofar as the share of minor second petitioner/second claimant, his share shall be confined into an interest bearing fixed deposit for a minimum period of three years, renewable subsequently by similar period, with any one of the Nationalised Banks in that local area. The first petitioner/first claimant may be permitted to withdraw the interest accrued in the fixed deposit of the minor claimant, once in three months. Accordingly, this Civil Miscellaneous Petition is ordered.

sd/-
24/06/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL
CUM SUBORDINATE JUDGE,
UTHAMAPALAYAM.

+ 1 CC TO M/S.G.VANJINATHAN, ADVOCATE IN SR.NO. 32946
+ 1 CC TO MR.J.S.MURALI, ADVOCATE IN SR No. 33283
+ 1 CC TO MR.K.BHASKARAN, ADVOCATE IN SR No. 32905

ORDER
IN
CMP(MD) No.3402 of 2016
IN
CMA(MD) No.662 of 2015
Date :24/06/2016