



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CMP(MD) No.4419 of 2016
IN
CMA(MD) No.582 of 2015

1 N.SELVAKUMARI,
2 N.DHANASEKARAN,
3 S.BABITHA
4 MINOR.S.MADHUSHIKA
(MINOR 4th RESPONDENT REP.BY
HER MOTHER AND GUARDIAN 3rd RESPONDENT
S.BABITHA) ... PETITIONERS/RESPONDENTS 1 to 4/
RESPONDENTS 1 to 4

Vs

1 THE ORIENTAL INSURANCE COMPANY LIMITED,
REP BY ITS BRANCH MANAGER, D.NO.39/40,
SARATHA SHOPPING CENTRE, SIMMAKKAL, MADURAI,
MADURAI TOWN. ... 1st RESPONDENT/PETITIONER/APPELLANT

2 A.SAKTHIVEL,
(5th RESPONDENT REMAINED EXPARTE BEFORE THE LOWER COURT)

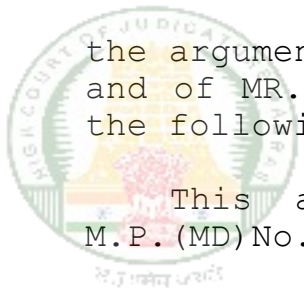
3 P.RANJITHKUMAR,
4 THE NEW INDIA ASSURANCE COMPANY LIMITED,
248-P, REKHA TOWERS, KAMARAJAR SALAI,
MADURAI TOWN. ... RESPONDENTS 2 to 4/RESPONDENTS 5 to 7/
RESPONDENTS 5 TO 7

Prayer in CMP(MD) No.4419 of 2016 in CMA(MD). 582/ 2015 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to modify the order dated 15.06.2015 in M.P.(MD)No.1 of 2015 in CMA (MD)No.582 of 2015 so as to permit the 2nd respondent also, along with respondents 1 & 3 to withdraw 50% of his share with proportionate interest and pass such further orders and thereby render justice.

Prayer in CMA(MD). 582/ 2015 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the award made in M.C.O.P.No.749/2012, dated 29.01.2015, on the file of the Motor Accidents Claims Tribunal Cum Additional District & Sessions Judge, Dindigul.



the arguments of M/S. H.LAKSHMI SHANKAR, Advocate for the petitioner and of MR.K.Bhaskaran, Advocate for the Respondent, the court made the following order:-

This application is filed to modify the order passed in M.P.(MD)No.1 of 2015 in C.M.A.(MD)No.582 of 2015 dated 15.06.2015.

2. This Court while granting Interim Stay in M.P.(MD)No.1 of 2015 in C.M.A.(MD)No.582 of 2015 permitted respondent Nos.1 and 3 to withdraw 50% of their respective share with proportionate interest.

3. The learned counsel for the petitioner would submit that the fourth respondent in C.M.A.(MD)No.582 of 2015, is a minor and respondent Nos.1 to 3 are major claimants and in the order instead of mentioning respondent Nos.1 to 3, it was wrongly mentioned as respondent Nos.1 and 3 and the second respondent was not permitted to withdraw 50% of his share and therefore they seeks modification.

4. The learned counsel for the respondent/Insurance Company has no serious objection.

5. Considering the above facts, this petition is ordered.

sd/-
21/06/2016

/ TRUE COPY /

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

TO
THE MOTOR ACCIDENT CLAIMS TRIBUNAL CUM ADDITIONAL DISTRICT &
SESSIONS JUDGE, DINDIGUL

+1cc to M/S.H.LAKSHMI SHANKAR, ADVOCATE SR.NO.31792

sm:SK-SKN:SAR III:29.06.2016:2P/3C

ORDER
IN
CMP(MD) No.4419 of 2016
IN
CMA(MD) No.582 of 2015
Date :21/06/2016