



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.4420 of 2016

IN

CMA (MD) No.584 of 2015

1 S.BABITHA,
2 MINOR.S.MADHUSHIKA
(Minor 2nd respondent rep by her mother
and guardian of 1st respondent S.Babitha)

3 N.SELVAKUMARI,
4 N.DHANASEKARAN,

... PETITIONERS/RESPONDENTS 1 to 4/
RESPONDENTS 1 TO 4

Vs

1 THE ORIENTAL INSURANCE CO. LTD.,
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 CO.LTD.,
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.4420 of 2016 in CMA(MD). 584/ 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.584 of 2015 so as to permit the 1st respondent also, along with respondents 3 & 4 to withdraw 50% of her share with proportionate interest and pass such further orders and thereby render justice.

Prayer in CMA(MD). 584/ 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 MCOP No.751 of 2012, dated 29.01.2015, on the file of the MACT cum Additional District & Sessions Judge, Dindigul.



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. 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.584 of 2015 dated 15.06.2015.

2. While granting Interim Stay in M.P.(MD).No.1 of 2015 in C.M.A.(MD)No.584 of 2015, this Court permitted respondent Nos.3 and 4 to withdraw 50% of their respective share and proportionate interest.

3. The learned counsel for the petitioner would submit that the first respondent Papathy is the wife of the deceased and she is also entitled 50% of her share. However, in the order, it is wrongly mentioned as respondent Nos. 3 and 4 are permitted to withdraw 50% of their share.

4. Heard the learned counsel for the respondents. He 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.31793

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

ORDER

IN

CMP(MD) No.4420 of 2016

IN

CMA(MD) No.584 of 2015

Date :21/06/2016