



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

WEB COPY

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CMP(MD) No.5633 of 2016

IN

CMA(MD) No.237 of 2016

NATIONAL INSURANCE COMPANY LIMITED,
FIRST FLOOR, JEROME BUILDING,
FORT STATION ROAD, TRICHY-2. ... PETITIONER/PETITIONER/APELLANT

Vs

1 S.M.PADMAVATHY
2 MINOR KISHORE KUMAR
S/O. LATE MOHANA SUNDARAM,
(REP BY MOTHER AND NATURAL GUARDIAN
1ST RESPONDENT)
3 J.IBRAHIMSHA
4 SORNATHAMMAL

... RESPONDENTS/RESPONDENTS /
RESPONDENTS

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 4.4.2016 made in CMP.(MD).No.3299/2016 in CMA.(MD).No.237/2016 on the file of this Honorable Court to the effect of making the conditional order of stay absolute.

Prayer in CMA(MD).237/2016 :

To set aside the fair and decreetal order dated 23.02.2015 made in MCOP No.1292 of 2013 on the file of MACT (Special District Court), Trichy and allow this appeal and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof Mr.H.ARUMUGAM, Advocate appeared for the Respondents and the Petitioner not appeared either in person or by an Advocate and the court made the following order:-

This application is filed to modify the order passed in C.M.P (MD)No.3299 of 2016, dated 04.04.2016.

2.No representation for the petitioner.

3.Mr.H.Arumugam, learned counsel for the respondents 1 and 2 would submit that even on the date of passing of the conditional



order, the petitioner/appellant had already deposited the entire award amount in the execution proceedings.

4. In view of the above submission of the learned counsel for the respondents 1 and 2, interim stay granted on 04.04.2016 in C.M.P (MD) No. 3299 of 2016 is made absolute.

5. The counsel for the respondents 1 and 2 further submitted that the appeal has been filed questioning the quantum only.

6. Considering the above submission, the first claimant is permitted to withdraw Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand Only) along with proportionate interest and costs, without filing any formal petition before the Tribunal.

7. The entire balance amount shall be invested as per the order passed in C.M.P (MD) No. 3299 of 2016, dated 04.04.2016.

sd/-
26/07/2016

/ TRUE COPY /

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

TO
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
(SPECIAL DISTRICT JUDGE), TRICHY

+1 CC to M/S.S.SRINIVASA RAGHAVAN Advocate SR.No.40343
+1 CC to Mr.H.ARUMUGAM, Advocate, SR No.40089

ORDER
IN
CMP (MD) No.5633 of 2016
IN
CMA (MD) No.237 of 2016
Date : 26/07/2016

ps
SH/GSV-PM/SAR-I:29.07.2016:2P/4C