



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

Friday, the Twenty Third day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.6077 of 2016
and
CMP.(MD).NO.1187 of 2016 in
CMA(MD) No.61 of 2016

1 D.NALAYINI DEVI
2 D.PRIYADHARSHINI
3 MINOR D.ARUNPANDIAN

... PETITIONERS/RESPONDENTS 1 TO 3
in CMP.(MD).No.6077 of 2016 in
CMA(MD).No.61 of 2016

(Minor 3rd respondent rep.by
His mother and guardian
1st respondent D.Nalayini Devi)

Vs

1 THE ORIENTAL INSURANCE COMPANY LIMITED,
REP THROUGH ITS DIVISIONAL MANAGER,
NORTH VELI STREET, MADURAI DISTRICT.

... RESPONDENT/APELLANT
in CMP.(MD).No.6077 of 2016 in
CMA(MD).No.61 of 2016

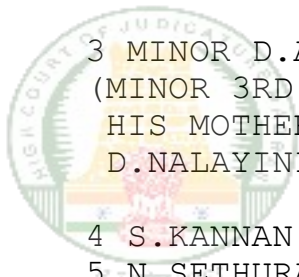
2 S.KANNAN
3 N.SETHURAMU
4 THE NEW INDIA ASSURANCE COMPANY LIMITED,
REP BY ITS BRANCH MANAGER,
D.NO.161-1, KEELA VELI VEETHI, MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS 4 to 6
in CMP.(MD).No.6077 of 2016 in
CMA(MD).No.61 of 2016

THE ORIENTAL INSURANCE COMPANY LIMITED,
REP THROUGH ITS DIVISIONAL MANAGER,
NORTH VELI STREET, MADURAI DISTRICT.

... PETITIONER/APELLANT
in CMP.(MD).No.1187 of 2016 in
CMA(MD).No.61 of 2016

Vs



3 MINOR D.ARUNPANDIAN
(MINOR 3RD RESPONDENT REP. BY
HIS MOTHER & GUARDIAN 1ST RESPONDENT REP
D.NALAYINI DEVI)

4 S.KANNAN

5 N.SETHURAMU

6 THE NEW INDIA ASSURANCE COMPANY LIMITED,
REP BY ITS BRANCH MANAGER,
DOOR NO.161-A, KEELA VELI VEETHI, MADURAI DISTRICT.

... RESPONDENTS/RESPONDENTS
in CMP.(MD).No.1187 of 2016 in
CMA(MD).No.61 of 2016

Prayer in CMP(MD). 6077/ 2016 in CMA(MD) No.61 of 2016:

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 the amount deposited to the credit of MCOP.No.1365/2009 on the file of Motor Accidents Claims Tribunal VI-th Additional District Judge, Madurai together with accrued interest in CMA.(MD).No.61/2016.

Prayer in CMP(MD). 1187/ 2016 in CMA(MD) No.61 of 2016:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant interim stay of all further proceedings pursuant to the award passed in MCOP.No.1365/2009, dated 20.04.2015, on the file of the Motor Accidents Claims Tribunal cum VI Additional District Judge, Madurai, pending disposal of the CMA.(MD).No.61/2016.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S. R.JANAKIRAMULU, Advocate for the petitioner in CMP.(MD).NO.6077 of 2016 in CMA.(MD).NO.61 of 2016 and respondent 1 to 3 in CMP.(MD).NO.1187 of 2016 in CMA.(MD).NO.61 of 2016 and Mr.K.Bhaskaran, Advocate for the respondent in CMP.(MD).NO.6077 of 2016 in CMA.(MD).NO.61 of 2016 and petitioner in CMP.(MD).NO.1187 of 2016 in CMA.(MD).NO.61 of 2016 and Mr.R.Sureshkumar Advocate for R6 in CMP.(MD).NO.1187 of 2016 in CMA.(MD).NO.61 of 2016 and R4 & R5 not appeared in person or by Advocate in CMP.(MD).NO.1187 of 2016 in CMA.(MD).NO.61 of 2016 the court made the following order:-

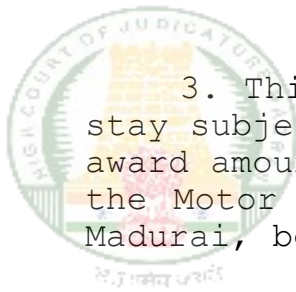
ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

This Civil Miscellaneous Petition has been filed seeking to withdraw the amount deposited to the credit of M.C.O.P.No.1365 of 2009 on the file of the Motor Accident Claims Tribunal - VI Additional District Court, Madurai, together with accrued interest.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard both sides.



3. This Court, vide order dated 08.02.2016, granted an order of stay subject to the first respondent/appellant depositing the entire award amount to the credit of M.C.O.P.No.1365 of 2009 on the file of the Motor Accident Claims Tribunal - VI Additional District Court, Madurai, before the Indian Bank, High Court Branch, Madurai.

4. It is represented that the entire award amount has already been deposited.

5. In the light of the facts and circumstances of the case, the petitioners 1 and 2/claimants 1 and 2 alone are permitted to withdraw 50% of their respective share from the amount deposited with accrued interest and proportionate costs. Since the third petitioner/third claimant is a minor, the first respondent/guardian of the third respondent is permitted to withdraw the interest accrued to the share of the third respondent, once in three months, until further orders. Consequently, the interim order of stay granted on 08.02.2016 in C.M.P(MD)No.1187 of 2016 is made absolute.

sd/-
23/09/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
VI ADDITIONAL DISTRICT JUDGE,
MADURAI

Copy to: The Branch Manager,
Indian Bank,
High Court Branch, Madurai.

+1. C.C. to M/S. R.JANAKIRAMULU Advocate SR.No.55659

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ORDER
IN
CMP(MD) No.6077 of 2016
and CMP.(MD).NO.1187 of 2016
CMA(MD) No.61 of 2016
Date :23/09/2016