



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

Friday, the Sixteenth day of September Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
CMP(MD)Nos.6628 and 6629 of 2016

IN

CMA(MD) Nos.1467 and 1468 of 2013

1 VANITHA
2 DHARMARAJ
3 MUTHULAKSHMI

...PETITIONERS/RESPONDENTS 1 TO 3 IN
ALL THE PETITIONS

Vs

1 THE ORIENTAL INSURANCE CO.LTD.
SHOBA D.S.M.COMPLEX, RAILWAY STATION OPPOSITE,
RAILWAY STATION, PALAKKAD - 678 001... 1st RESPONDENT/APPELLANT IN
ALL THE PETITIONS

2 K.MANOHARAN ...2nd RESPONDENT/RESPONDENT NO.4 IN
ALL THE PETITIONS.

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 50% of the award amount deposited in the credit of MCOP No.21 of 2008 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur with accrued interest.

Prayer in CMA(MD). 1467/ 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the Judgment and Decree in MCOP No.21 of 2008 dated 30.11.2011 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur.

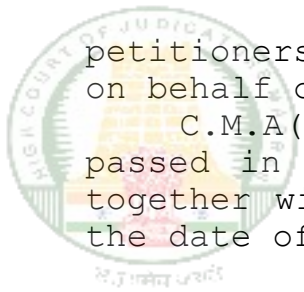
Prayer in CMP(MD). 6629/ 2016 :

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 50% of the award amount deposited in the credit of MCOP No.22 of 2008 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur with accrued interest.

Prayer in CMA(MD). 1468/ 2013 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the Judgment and Decree in MCOP No.22 of 2008 dated 30.11.2011 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur

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. V.THIRUMAL, Advocate for the



petitioners in all the petitions and of M/S.C.RAMACHANDRAN, Advocate on behalf of the 1st Respondent, the court made the following order:-
C.M.A(MD)No.1467 of 2013 has been filed against the award passed in M.C.O.P No.21 of 2008, awarding a sum of Rs.1,78,500/- together with interest at 7.5% from the date of claim petition till the date of deposit.

2. C.M.A(MD)No.1468 of 2013 has been filed against the award passed in M.C.O.P No.22 of 2008, awarding a sum of Rs.1,74,000/- together with interest at 7.5% from the date of claim petition till the date of deposit.

3. The above-said two appeals have been filed by the son and daughters for the death of their father and mother in a road accident that took place on 24.09.2008.

4. Now the petitioners/Claimants have filed these petitions praying this Court to permit them to withdraw 50% of the deposited award amount lying in the credit of M.C.O.P Nos.21 and 22 of 2008, on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur with accrued interest.

5. Considering the facts and circumstances of the case, the petitioners are permitted to withdraw 50% of their share in the award amount with proportionate accrued interest and costs lying in the credit of M.C.O.P Nos.21 and 22 of 2008, on the file of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur as per the ratio of apportionment made by the tribunal.

6. The Tribunal is directed to deposit the balance award amount with proportionate interest and costs in any one of the nationalized bank., in fixed deposit, initially for a period of one year, renewable thereafter, till the disposal of the appeals.

sd/-

16/09/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL, THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+2. C.C. to M/S. V.THIRUMAL Advocate SR.No.52942,52943

ORDER

IN

CMP(MD)Nos.6628 and 6629 of 2016

IN

CMA(MD) Nos.1467 and 1468 of 2013

Date :16/09/2016