



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

Thursday, the Third day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CMP (MD) No.7143 of 2016
IN
CMA (MD) No.698 of 2014

S.ALGURAJ

... PETITIONER/1ST RESPONDENT

Vs

1 THE BRANCH MANAGER
THE ORIENTAL INSURANCE COMPANY LIMITED,
DOOR NO.1548, TENKASI ROAD,
RAJAPALAYAM TOWN.

... 1ST RESPONDENT/APPELLANT

2 A.SEENIVASAN

... 2ND RESPONDENT/2ND RESPONDENT

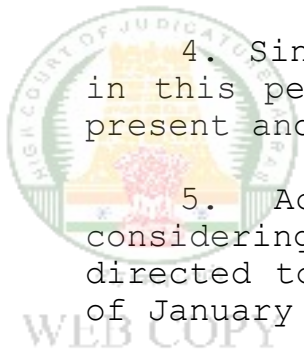
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner herein to withdraw 50% of the award amount with accrued interest and cost which is deposited by the Appellant in MACOP.No.167/2011 on the file of the Motor Accidents Claims Tribunal (Subordinate Judge, Virudhunagar).

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. S.M.MOHAN GANDHI, Advocate for the petitioner and of MR.K.BHASKARAN, Advocate for the Respondents the court made the following order:-

The petitioner came out with the present petition to withdraw 50% of the award amount with accrued interest and costs, which is deposited by the appellant in M.C.O.P.No.167 of 2011 on the file of the Motor Accidents Claims Tribunal (Sub Court), Virudhunagar.

2. The contention of the petitioner is that he suffers monetary loss due to the injury and unable to meet out medical expenses.

3. Per contra, the learned counsel for the 1st respondent/Oriental insurance Company vehemently opposed this petition on the ground that it is a case where the tractor attached with trailer is involved. It is stated that the injured claimant was travelling in the mudguard of the tractor. Therefore, the Insurance company has to be exonerated from the liability.



4. Since the liability of the insurance company is challenged in this petition, the petitioner is not entitled to any relief at present and the issue can be adjudicated in the main appeal.

5. Accordingly, this petition is dismissed. However, considering the facts and circumstances of the case, the Registry is directed to list the matter for final hearing during the first week of January 2017.

sd/-
03/11/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
(SUBORDINATE COURT) VIRUDHUNAGAR

+1. C.C. to M/S. K.BHASKARAN Advocate SR.No.65517

GJM/SKS.RR.SAR-I-7.11.2016-2P-3C

ORDER
IN
CMP (MD) No.7143 of 2016
IN
CMA (MD) No.698 of 2014
Date :03/11/2016