



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

Friday, the Ninth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR

CMP(MD) No.7806 of 2016
IN
CMA(MD) No.1327 of 2015

- 1 CHITRA
- 2 MINOR SASIKUMAR
- 3 MINOR RAVIKUMAR
- 4 NALLAMMAL
- 5 MINOR MAHESWARI

(MINORS 2,3 AND 5 PETITIONERS ARE REPRESENTED BY
THEIR MOTHER AND NATURAL GUARDIAN 1ST PETITIONER
HEREIN)

... PETITIONERS/RESPONDENTS 1 TO 5

Vs

1.THE MANAGER

NATIONAL INSURANCE COMPANY LIMITED, BRANCH
OFFICE NO.2, JEROME BUILDING 1ST FLOOR, FORT STATION ROAD,
TRICHY - 620 001.

... 1ST RESPONDENT/APPELLANT

2 G.KARUPPANNAN,

...2ND RESPONDENT/6TH RESPONDENT

3 R.MUNIAPPAN

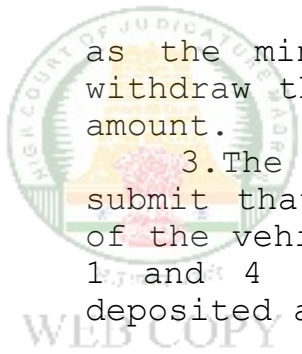
...3RD RESPONDENT/7TH RESPONDENT

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 50% of the deposited amount with the accrued interest to the credit of MCOP.No.566 of 2007 on the file of Motor Accident Claims Tribunal, Principal District Judge, Karur, pending disposal of the above CMA.No.1327 of 2015.

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.K.SURESH KUMAR, Advocate for the petitioner and of M/S.D.SIVARAMAN, Advocate on behalf of the 1st Respondent the Court made the following order:-

Heard the learned counsel for the petitioners and the learned standing counsel for the first respondent.

2.The learned counsel for the petitioners/respondents/claimants would submit that pursuant to the order of this Court, the first respondent/Appellant has deposited a sum of Rs.5,38,300/- (Rupees Five lakhs and thirty eight thousand and three hundred only) (i.e. 70% of the award amount) and the the petitioners 1 and 4/claimants 1 and 4 seek to withdraw 50% of their shares in the deposited amount with the accrued interest and insofar



as the minor petitioners 2,3 and 5 are concerned, they seek to withdraw the interest accumulated in their shares of the deposited amount.

3.The learned counsel for the first respondent/appellant would submit that they are questioning the liability and the involvement of the vehicle in the accident and the petitioners 1 and 4/claimants 1 and 4 are entitled to withdraw 50% of their shares in the deposited amount.

4.The Tribunal has considered the evidence adduced by the parties concerned and awarded a sum of Rs.7,69,000/- as compensation. Against the said award, the appellant has filed the appeal before this Court. At the time of admission, this Court granted stay on condition that the appellant/first respondent shall pay a sum of Rs.5,38,300/- (i.e. 70% of the award amount) and accordingly, the first appellant paid the same. Now, the petitioners/claimants came forward with this application to withdraw 50% of their shares in the deposited amount.

5.The grounds raised in the appeal has to be considered only at the time of hearing of appeal. M.C.O.P. was filed in the year 2007. Therefore, in the interest of justice, by considering the facts and circumstances of the case, this Court permitted the petitioners 1 and 4/claimants 1 and 4 to withdraw 50% of their respective shares with accrued interest in the deposited amount., by filing proper application before the trial Court.

6.Insofar as the minor petitioners 2,3 and 5 are concerned, the first petitioner/first claimant is permitted to withdraw the accrued interest on the respective shares of the minors in the deposited amount once in every six months, directly from the bank.

7.This miscellaneous application is ordered accordingly.

sd/-

09/09/2016

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL
PRINCIPAL DISTRICT JUDGE, KARUR

+1. C.C. to M/S.K.SURESH KUMAR Advocate SR.No.51537

+1cc to Mr.D.Sivaraman, Advocate Sr.No.51697

RL/4C/2P/CK/SARI/16/9/2016

ORDER

IN

CMP (MD) No.7806 of 2016

IN

CMA (MD) No.1327 of 2015

Date :09/09/2016