

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Nineteenth day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE N. KIRUBAKARAN

CMP No.5316 of 2017

IN CMA.2237/2015

DR. AKBAR

[PETITIONER]

Vs

COMMANDANT

[RESPONDENT]

BATTALION - 5, AVADI, VAISHANAVI NAGAR,
AVADI, CHENNAI 54.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to with draw the award amount of Rs.5,47,547/- along with accrued interest thereon lying with Indian Bank, Madras High Court Branch to the credit of above MCOP No.1173/2008 (in CMP No.5316 of 2017)pending disposal of the above CMA.2237/2015

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.C.B. SANTHOSHKUMAR, Advocate for the petitioner the court made the following order:-

The above C.M.P. is filed by the petitioner/claimant seeking permission to withdraw the award amount of Rs.5,47,547/-, along with accrued interest, lying in deposit, to the credit of M.C.O.P. No. 1173/2008 on the file of Motor Accidents Claims Tribunal, (II Judge, Small Causes Court), Chennai.

2. It is submitted that since the claimant has filed the present appeal, questioning the quantum of the award granted by the Tribunal, the Tribunal is not permitting the petitioner/claimant to withdraw the amount, eventhough the respondent has deposited the entire award amount.

3. The petitioner/claimant has filed the appeal only seeking enhancement and the pendency of the appeal, is not a bar or prohibition for the Tribunal to pay the amount to the petitioner/claimant. Therefore, the Tribunal is directed to pay the entire award amount along with accrued interest, within a period of two weeks from the date of receipt of a copy of this order.

4. The above C.M.P. is ordered accordingly.

-sd/-

19/04/2017

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE REGISTRAR,
SMALL CAUSES COURT,
CHENNAI

2 THE SECTION OFFICER,
V.R.SECTION, HIGH COURT MADRAS 104.

C.C. to M/S.C.B. SANTHOSHKUMAR Advocate on payment of
necessary charges

The special Government pleader(cs), High Court, Madras - 104.
SR.NO. 5425

Order

in
CMP.5316/2017

in
CMA.2237/2015

Date :19/04/2017

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T.R (25/04/2017)