

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Sixth day of June Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE S. MANIKUMAR

AND

THE HON`BLE MR JUSTICE M. GOVINDARAJ

CMP Nos.12350/2016 and 7290/2017

IN CMA.1630/2016

THE BRANCH MANAGER [PETITIONER IN CMP.12350/16 & 2ND RESPONDENT
UNITED INDIA INSURANCE COMPANY LTD., IN CMP.7290/17]
NAGARI TALUK, CHITTOOR DISTRICT,
ANDHRA PRADESH.

Vs

1 JAYAKUMAR [1ST RESPONDENT IN CMP.12350/16 & PETITIONER IN
CMP.7290/2017 IN CMA.1630/2017]

2 S.N. THIYAGARAJAN [2ND RESPONDENT IN CMP.12350/16 & 1ST
RESPONDENT IN CMP.7290/17 IN CMA.1630/2017]

[THE 1ST RESPONDENT REMAINED EX-PARTE BEFORE THE TRIBUNAL, HENCE
NOTICE IS DISPENSED WITH IN THIS CMP.]

Petitions praying that in the circumstances stated therein and
in the respective affidavits filed therewith the High Court will be
pleased to

(i) To grant stay of execution of the decree dated 09.11.2012
made in O.P.No.904 of 2009 on the file of the Motor Accidents
Claims Tribunal (Chief Judicial Magistrate Court), Thiruvallur (in
CMP.12350/16 in CMA.1630/2017) and;

(ii) To permit the petitioner to withdraw the entire deposited
amount along with entire accrued interest and cost lying in the
credit MCOP No.904 of 2009 on the file of MACT / Chief Judicial
Magistrate at Tiruvallur (in CMP.7290/2017) pending disposal of the
above CMA.1630 of 2016 respectively.

Order : These petitions coming on for orders upon perusing
the petitions and the respective affidavits filed in support
thereof and upon hearing the arguments of M/S.D.BHASKARAN, Advocate
PETITIONER IN CMP.12350/16 & 2ND RESPONDENT IN CMP.7290/17 and of

MR.MA.P.THANGAVEL, Advocate 1ST RESPONDENT IN CMP.12350/16 & PETITIONER IN CMP.7290/2017 IN CMA.1630/2017 the court made the following order:-

[Order of the Court was made by S.MANIKUMAR, J.]

Vide order dated 09.08.2016 in CMP No.12350 of 2016, a Hon'ble Division Bench of this Court has directed deposit of 50% of the award amount.

2. Mr.D.Bhaskaran, learned counsel for M/s.United India Insurance Company, appellant herein submitted that a sum of Rs.23,60,008/- less the statutory deposit has been made.

3. CMP No.7290 of 2017 in CMA No.1630 of 2016 has been filed seeking permission to withdraw the entire amount now lying in the deposit.

4. Opposing the prayer sought for Mr.D.Bhaskaran, learned counsel for the insurance company submitted that in the absence of any concrete evidence, substantiating loss of employment and consequently, loss of earning, permission to withdraw the entire amount need not be granted. At the same time, he submitted that Court may direct disbursement of any reasonable sum as it deems fit.

5. Considering the medical expenditure incurred by the injured/respondent in this appeal and other expenses, in the interest of justice, we deem it fit to permit withdrawal of Rs.13,60,008/-. The balance amount of Rs.10 Lakhs would be in the Court/bank deposit till the disposal of the appeal.

6. With the above direction, CMP No.7290 of 2017 is closed. Order of interim stay granted in CMP No.12350 of 2016, is made absolute and the same is closed.

-sd/-
06/06/2017
/ TRUE COPY /

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

TO

1 THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, THIRUVALLUR.

2 THE SECTION OFFICER
VR SECTION, HIGH COURT MADRAS

C.C. to M/S.D.BHASKARAN Advocate on payment of necessary
charges

C.C. to M/S.MA.P.THANGAVEL, Advocate Sr.No.7166

Order

in

CMP Nos.12350/2016 and 7290/2017

IN CMA.1630/2016

Date :06/06/2017

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