

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fifth day of April Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE N. KIRUBAKARAN

CMP No.4604 of 2017

IN CMA.126/2017

1 K. RUKMANI [PETITIONERS]
2 KARPAGAM
3 JAYAPRAKASH
4 MANJULA
5 JOTHI

Vs

1 M/S. CHOLAMANDALAM MS GENERAL [RESPONDENTS]
INSURANCE COMPANY LTD., 2 ND FLOOR, DARE
HOUSE, NO.2, NSC BOSE ROAD, CHENNAI.
2 R. PONNUTHAI

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 deposited award amount with accrued interest deposited by the petitioners/respondents in the credit of M.C.O.P.No. 924 of 2014 on the file of Motor Accident Claims Tribunal Cum Chief Judge, Small Causes Court Chennai (in CMP No.4604 of 2017) pending disposal of the above CMA No. 126 of 2017

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. M. SELVAM, Advocate for the petitioner and of M/S.VIJAYARAGHAVAN Advocate on behalf of the 1st Respondent the court made the following order:-

This Court, while admitting the appeal, by order dated 30.01.2017, granted interim stay of the operation of the award on condition that the appellant Insurance Company deposits 50% of the award amount with accrued interest and costs, within a stipulated time, to the credit of M.C.O.P. No. 924 of 2014 on the file of Motor Accidents Claims Tribunal cum Chief Judge, Small Causes

Court, Chennai.

2. Now, the claimants/petitioners have filed the present petition to permit them to withdraw the award amount with accrued interest deposited by the 1st respondent/appellant to the credit of the claim petition.

3. Since the accident occurred in the year 2013, in which the bread winner of the claimants' family died, it is appropriate to permit the petitioners/claimants to withdraw 50% of their respective shares, from the amount deposited by the appellant Insurance Company, as per the apportionment of the Tribunal.

4. The petition is ordered accordingly.

-sd/-
25/04/2017

/ 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. M. SELVAM Advocate SR.NO. 5692

Order

in
CMP.4604/2017

in
CMA.126/2017

Date :25/04/2017

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