

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Civil Appellate Jurisdiction )

Friday, the Eighth day of September Two Thousand Seventeen

PRESENT

THE HON`BLE DR. JUSTICE S.VIMALA

CMP NO.14735 OF 2017

IN CMA.1819 OF 2017

RAJESWARI

[ PETITIONER ]

Vs

1 UNITED INDIA INSURANCE  
COMPANY LTD.,  
ARCOT ROAD, CHENNAI 93

[ RESPONDENTS ]

2 M.UMA MAHESWARI,

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 withdraw the entire deposited amount with accrued interest lying in the credit of M.C.O.P.No.326 of 2015 on th file of the Motor Accident Claims Tribunal II Addiitional District Judge, Poonamallee(in CMP.No.14735/17) in CMA.1819/17.

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. PRABAKARAN, Advocate for the petitioner and of Mrs.R.VIJAYAKAMALA, Advocate on behalf of the 1<sup>st</sup> Respondent and the court made the following order:-

This petition has been filed by the claimant to permit her to withdraw the entire award amount with interest lying to the credit of MCOP No.326 of 2013 on the file of Motor Vehicles Accident Claims Tribunal, II Additional District Court, Poonamallee.

2. Heard the learned counsel for the petitioner and Ms.R.Vijayakamala, learned counsel for R1.

3. It is represented that R2 remained ex-parte before the Tribunal and hence notice to R2 is dispensed with, as per the request made.

4. The appellant / Insurance Company is praying for the remedy to recover the award amount only from the owner, whereas, the learned counsel for the claimant submits that the amount awarded to the claimant has nothing to do with the owner of the vehicle. Therefore, at the request of the learned counsel for the claimant, and after considering the reasons stated in the affidavit filed in support of this petition and after satisfying with the same, the claimant is permitted to withdraw 50% of the award amount that has been already deposited and lying to the credit of MCOP No.326 of 2013 on the file of Motor Vehicles Accident Claims Tribunal, Additional District Judge, Poonamallee.

5. This petition is ordered accordingly.

6. Post the appeal after three weeks.

-sd/-  
08/09/2017  
/ TRUE COPY /

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

TO

THE II ADDITIONAL DISTRICT JUDGE,  
(MOTOR ACCIDENT CLAIMS TRIBUNAL)  
POONAMALLEE.

C.C. to M/S. C. PRABAKARAN Advocate SR.No.11751

C.C. To R.VIJAYA KAMALA, Advocate SR.No.11735

The Government Advocate, High Court, Madras - 104.

Order

in  
CMP.14735/2017

in  
CMA.1819/2017

Date :08/09/2017

From 26.2.2001 the Registry is issuing certified  
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SDR 14.09.2017