

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Nineteenth day of September Two Thousand Seventeen

PRESENT

THE HON`BLE DR. JUSTICE S.VIMALA

CMP No.14807 of 2017

IN CMA.201/2016

AND CMP NO.1729 of 2016

AND CROSS OBJ.NO.92 of 2016

MOHAMMED RAFFIYUDEEN [PETITIONER IN CMP No.14807/17 &
CROSS OBJ.NO.92/16 &
RESPONDENT IN CMP NO.1729/16]

Vs

THE MANAGING DIRECTOR [RESPONDENT IN CMP No.14807/17 &
TAMIL NADU STATE TRANSPORT CROSS OBJ.NO.92/16 &
CORPORATION LTD, KUMBAKONAM PETITIONER IN CMP NO.1729/16]

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

i) Permit the petitioner/Respondent to withdraw 75% of the award amount deposited by the Transport Corporation in MCOP No. 1834 of 2010 on the file of MACT/Principal Sub Judge, Cuddalore in (CMP No.14807 of 2017 IN CMA(SR).201/2016)and;

ii) Stay all further proceedings in pursuant to the Judgment and Decree dated 15/06/2015 made in M.C.O.P.No. 1834 of 2010 on the file of the Motor Accident Claims Tribunal, Special Subordinate Judge, Cuddalore in (CMP NO.1729 of 2016 in CMA.201 of 2016) and;

iii) Against the Judgment and decree dated 15.06.2015 in MCOP.No.1834 of 2010, on the file of the Motor Accident Claims Tribunal , Special Sub Court to deal with MCOP cases, Cuddalore in (CROSS OBJ.NO.92 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. A.N. VISWANATHA RAO, Advocate for the petitioner in PETITIONER IN CMP No.14807/17 & CROSS OBJ.NO.92/16 & RESPONDENT IN CMP NO.1729/16 and of M/S.D.VENKATACHALAM, Advocate RESPONDENT IN CMP No.14807/17 & CROSS OBJ.NO.92/16 & PETITIONER IN CMP NO.1729/16 the court made the following order:-

This petition has been filed by the petitioner / claimant seeking permission to withdraw 75% of the award amount deposited by the Transport Corporation in MCOP No.1834 of 2010 on the file of the Motor Accident Claims Tribunal, Principal Sub Judge, Cuddalore.

2. Heard both sides.

3. Mr. D.Venkatachalam, learned Standing Counsel, appearing for the respondent / Transport Corporation would submit that, as per the earlier order, dated 08.02.2016, passed by this Court, the Transport Corporation has deposited the entire award amount, as ordered by the Claims Tribunal.

4. A perusal of the earlier order, dated 08.02.2016, passed by this Court would go to show that already there is a direction to the respondent / claimant to withdraw 50% of their share of compensation, along with proportionate interests, from the deposited amount. There is also a further direction to keep the remaining amount in fixed deposit in Nationalised Bank for a period of three years and the same shall be renewed periodically, until the disposal of the Appeal and the respondents are permitted to withdraw the interest, once in six months, on the remaining amount deposited.

5. In view of the earlier order passed, this Court is of the opinion that there need not be any further directions required in this petition. Suffice to state that the respondents and the Tribunal shall abide by the earlier directions issued.

6. This petition is ordered accordingly.

-sd/-

19/09/2017

/ TRUE COPY /

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

TO

THE SPECIAL SUBORDINATE JUDGE
MOTOR ACCIDENT CLAIM TRIBUNAL,
CUDDALORE.

+2 C.C. to M/S. A.N. VISWANATHA RAO Advocate SR.NO.12221

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

The Government Advocate, High Court, Madras - 104.

Order

in

CMP No.14807 of 2017

IN CMA.201/2016

AND CMP NO.1729 of 2016

AND CROSS OBJ.NO.92 of 2016

Date :19/09/2017

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ADD 25.09.2017