



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Eighth day of June Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mr.Justice P.VELMURUGAN

CMP(MD) No.1111 of 2016
IN
CMA(MD) No.57 of 2016

THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION,
TRICHY DIVISION II,
TRICHY.

... PETITIONER / APPELLANT

Vs

1 K.TAMIL SELVI

2 MUTHURAJ

3 GOWTHAM

**[R2 AND R3 ARE DECLARED AS MAJOR, AND THE
GUARDIANSHIP OF R1 IS DISCHARGED, VIDE MEMO IN
USR.3339/2017 DATED 28.06.2017[USR
DATED:21.07.2017] MADE IN CMP(MD)No.1111/2016 IN
CMA(MD) NO.57/2016 BY TSSJ & PVJ]**

4 PERIYASAMY

5 RAJKUMAR

6 THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LIMITED,
BROADWAY, CHENNAI-108.

... RESPONDENTS / RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to stay all further proceedings in MCOP.No.113/2004 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sivakasi, pending disposal of the above CMA.(MD).No.57/2016 and thus render justice.

<https://hcservices.ecourts.gov.in/hcservices/>

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.D.SIVARAMAN, Advocate for the petitioner and of M/S.K.P.PALANIVEL RAJAN, Advocate[FOR CAVEATOR] for the Respondents 1



to 4 and MR.A.S.MATHIALAGAN, on behalf of the 6th Respondent the court made the following order:-

[Order of the Court was delivered by **T.S.SIVAGNANAM, J.**]

WEB COPY The Court by an order dated 09.02.2016, granted an order of stay on condition, permitting the claimants to withdraw 50% of share pursuant to them, with proportionate accrued interest and cost, by making necessary application to the tribunal. The Tribunal was directed to deposit the shares of the then minor second and third respondents before the Indian Bank, High Court Branch, Madurai, till they attain majority with permission to withdraw the interest periodically. As of now, the second and third respondents have attained majority.

2.The learned counsel appearing for the appellant Corporation has filed a memo of compliance stating about the compliance of the interim direction issued, by depositing the entire amount before the Subordinate Court, Sivakasi, to the credit of M.C.O.P.No.113 of 2004.

3.A memo has been filed by the learned counsel for the respondent giving details as to the date on which the second and third respondents have attained majority. Further, we verified the claim petition and found that at the time of filing the claim petition, the second respondent was twelve years and the third respondent was ten years. Thus, as of now, both of them have attained majority. Accordingly, they are declared as majors and the guardianship of the mother stands discharged.

4.The appellant Corporation has pleaded for condonation of the delay in complying with the order, since, the delay occurred due to financial crisis. In the light of the above, the respondents / claimants are permitted to withdraw 50% of the amount apportioned to each one of them, together with proportionate accrued interest and cost, by making necessary application before the Tribunal and the remaining amount shall be deposited to the credit of C.M.A.(MD)No.57 of 2016 before the Indian Bank, Madurai Bench of Madras High Court Branch, Madurai and the same shall be retained in an interest bearing Fixed Deposit account till the disposal of the appeal.

5.Subject to the above condition, the interim order dated 09.02.2016, is made absolute.

6.The Registry is directed to effect necessary correction in the cause title before issuing order copy as per the memo dated 28.06.2017.

sd/-
28/06/2017



TO

THE SUBORDINATE JUDGE,
SUB COURT, MOTOR ACCIDENT CLAIMS TRIBUNAL,
SIVAKASI

WEB COPY

COPY TO

THE MANAGER,
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.D.SIVARAMAN Advocate SR.No.25382

ORDER

IN

CMP(MD) No.1111 of 2016

IN

CMA(MD) No.57 of 2016

Date :28/06/2017

MR

SVA/PN/PM/17.08.2017/SAR4/3P.4C