



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

Tuesday, the Twenty Eighth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN

CMP(MD) No.1968 of 2017
IN
CMA(MD) No.434 of 2011

1 SARITHA

2 MINOR RAGHUNATH
S/O.(LATE) RENGASAMY,
(MINOR PETITIONER IS REPRESENTED
BY HIS GUARDIAN & MOTHER
1ST PETITIONER SARITHA)

3 NATARAJAN

4 SAROJA

5 SIVAMOORTHY

... PETITIONERS/RESPONDENTS 1 TO 5

Vs

1 THE MANAGER

NEW INDIA ASSURANCE COMPANY LTD.,
THANJAVUR.

... 1ST RESPONDENT/APPELLANT

2 RAMASAMY

... 2ND RESPONDENT/6TH RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the Petitioners No.1, 3 to 5 to withdraw 50% of the award amount with accrued interest and to permit the 2nd petitioner herein to withdraw accrued interest in respect of his deposited amount into the credit of MCOP.No.15 of 2008, on the file of the Motor Accident Claims Tribunal (I-Additional District and Sessions Judge (PCR), Thanjavur in MCOP.No.15 of 2008, pending disposal of CMA(MD).No.434 of 2011 on the file of this Honourable Court.

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.S.DEENADHAYALAN, Advocate for the petitioner and of M/S.G.PRABHU RAJADURAI, Advocate for the Respondents the court made the following order:-

This civil miscellaneous petition has been filed by the petitioners / respondents 1 to 5 / claimants seeking permission of this Court to withdraw 50% of the award amount deposited by the



first respondent/ appellant / Insurance Company, to the credit of M.C.O.P.No.15 of 2008, on the file of the Motor Accident Claims Tribunal (I-Additional District and Sessions Judge (PCR), Thanjavur.

2. Heard both sides.

3. Though the learned counsel for the first respondent / appellant / Insurance Company strenuously opposed the prayer sought for by the petitioners, this Court is convinced with the reasons stated in the accompanying affidavit and accordingly, the petitioners 1, 3 to 5 / respondents 1, 3 to 5 / claimants are permitted to withdraw 50% of their respective share amount from and out of the amount deposited by the first respondent / appellant / Insurance Company, to the credit of M.C.O.P.No.15 of 2008, on the file of the Motor Accident Claims Tribunal (I-Additional District and Sessions Judge (PCR), Thanjavur, along with accrued interest and insofar as the 2nd petitioner / 2nd respondent / minor claimant is concerned, the first petitioner / 1st respondent / natural guardian is permitted to withdraw the accrued interest of the minor's share once in six months.

sd/-
28/02/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE MOTOR ACCIDENT CLAIMS TRIBUNAL (I-ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), THANJAVUR.

+1. C.C. to M/S.S.DEENADHAYALAN Advocate SR.No.11382

krk
CSL/MR/SAR-III/03.03.2017 : 2P/3C

ORDER
IN
CMP (MD) No.1968 of 2017
IN
CMA (MD) No.434 of 2011
Date :28/02/2017