



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

Wednesday, the Twenty Sixth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.2565 of 2017
IN
CMA(MD) No.866 of 2016

1 SULTHAN
2 JAMILA
3 S. FARIDHA

... PETITIONERS/RESPONDENTS 1 TO 3

Vs

1 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION,
KUMBAKONAM. ...1st RESPONDENT/APPELLANT

2 THE GENERAL MANAGER
TAMILNADU STATE TRANSPORT CORPORATION LTD.,
BYE PASS ROAD, MADURAI.

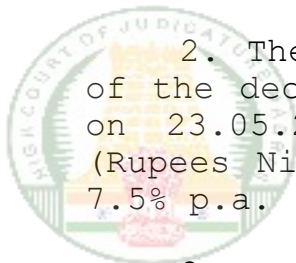
... 2nd RESPONDENT/4th RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit us to withdraw the 50 % of the awarded amount along with accrued interest.

PRAYER IN CMA(MD) No.866 of 2016:Civil Miscellaneous Appeal against the Judgment and award made in M.C.O.P.No.236 of 2011 dated 22.12.2015 on the file of Motor Accidents Claims Tribunal, IV Additional District Judge, Madurai.

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.K.KUMARAVEL, Advocate for the petitioner and of Mr.K.Kumaravel, Advocate for R1 to R3 and Mr.K.Sudalaiyandi, Advocate for R4, the court made the following order:-

Pursuant to the interim order passed by this Court, dated 30.08.2016 in C.M.P(MD)No.8053 of 2016 in C.M.A(MD)No.866 of 2017, the first respondent-Transport Corporation has deposited 50% of the award amount to the credit of M.C.O.P.No.236 of 2011 on the file of the Motor Accident Claims Tribunal - IV Additional District Court, Madurai.



2. The petitioners/claimants are the father, mother and sister of the deceased Shajahan, who died in the accident that took place on 23.05.2009. The total compensation awarded is Rs.9,57,000/- (Rupees Nine Lakhs and Fifty Seven Thousand only) with interest at 7.5% p.a. from the date of petition till date of realisation.

3. As already stated, this Court has granted interim stay on condition that the first respondent-Transport Corporation deposits 50% of the award amount.

4. Now, the petitioners/claimants are seeking permission to withdraw 50% of the award amount which has been deposited with accrued interest and costs.

5. It is seen that in the F.I.R filed immediately after the accident, the informant has stated that the deceased has driven the two wheeler in a rash and negligent manner, however, in the final report, the police have taken a stand that it is the rash and negligent driving of the driver of the bus that caused the accident.

6. Considering the above facts and circumstances of the case, the petitioners/claimants are permitted to withdraw 50% of their respective share in the award amount deposited to the credit of M.C.O.P.No.236 of 2011 on the file of the Motor Accident Claims Tribunal - IV Additional District Court, Madurai. The Tribunal is directed to deposit the balance amount to the credit of C.M.A(MD) No.866 of 2016 before the Indian Bank, High Court Branch, Madurai Bench of Madras High Court Premises, Madurai - 625 023, in a Fixed Deposit under renewable scheme, initially for a period of two years.

7. Accordingly, this Civil Miscellaneous Petition is ordered as above.

sd/-
26/04/2017

/ TRUE COPY /

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

TO
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
IV ADDITIONAL DISTRICT JUDGE,
MADURAI

+1. C.C. to M/S.K.KUMARAVEL Advocate SR.No.21215

SM:KKR:SAR 2:2/5/17:2P/3C

ORDER
IN
CMP (MD) No.2565 of 2017
IN
CMA (MD) No.866 of 2016
Date :26/04/2017