



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

Tuesday, the Fourth day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

CMP(MD) No.3285 of 2016
IN
CMA(MD) No.1160 of 2010

1 ARUPUTHAMANI
KRISHNARAJA (DIED).

2 JOTHI DHANALAKSHMI ... PETITIONERS/RESPONDENTS 1,3

Vs

1 M/S.NATIONAL INSURANCE COMPANY LIMITED.,
THROUGH ITS BRANCH MANAGER,
4132, EAST MAIN STREET,
PUDUKKOTTAI. ... RESPONDENT/APPELLANT

2 ARUL PERUMJOTHI ... RESPONDENT/4TH RESPONDENT
(NOTICE TO 2ND RESPONDENT
MAY BE DISPENSED WITH,
SINCE HE WAS SET EXPARTE
IN THE APPEAL AS WELL AS TRIBUNAL)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased permit the petitioner to withdraw the award amount with interest as apportioned to the 2nd claimant from the deposit in MCOPNo.160 of 2006 on the file of the FAST TRACK COURT No.I (MACT), Tirunelveli.

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. T.SELVAN, Advocate for the petitioner and of the respondent not appeared in person or by an advocate, the court made the following order:-

This application has been filed by the first respondent in C.M.A.(MD)No.1160 of 2010 seeking permission to withdraw the share of the second respondent Krishnaraja a mentally retarded person, who was represented by the first respondent in the appeal.

2.The appeal arose out of an award passed granting compensation for the death of one Subbiah husband of the first respondent and father of the second respondent in the appeal in a accident. The share of the second respondent was kept in the fixed deposit in a Nationalized Bank. The appeal in C.M.A.(MD)No.1160 of



2010 was disposed of by this Court on 16.11.2010 reducing the compensation to Rs.5,67,047/- from 6,82,047/-. Admittedly, the second respondent in the appeal namely Krishnaraja was entitled to 1/3rd of the said compensation.

3.It appears that the said Krishnaraja namely the second respondent in the appeal died on 09.02.2009. The death was not brought to the notice of this Court when the appeal was disposed of. In any event, since his only legal heir namely his mother was already on record, there is no abatement of the appeal in view of the death of the second respondent. Since the said Krishnaraja died un-married leaving behind his mother as sole legal heir, she becomes entitled to the amounts that lying to the credit of M.C.O.P.No.160 of 2006, on the file of the Fast Track Court No.I (MACT), Tirunelveli. Hence, the first petitioner Aruputhamani is permitted to withdraw the share of the second respondent Krishnaraja lying to the credit of M.C.O.P.No.160 of 2006, on the file of the Fast Track Court No.I (MACT), Tirunelveli.

4.Accordingly, this petition is ordered.

sd/-

04/04/2017

/ TRUE COPY /

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

TO

THE JUDGE, FAST TRACK COURT NO.I, (MACT), TIRUNELVELI.

+1. C.C. to M/S. T.SELVAN Advocate SR.No.19148

am

CSL/KKR/SAR-II/07.04.2017 : 2P/3C

ORDER

IN

CMP (MD) No.3285 of 2016

IN

CMA (MD) No.1160 of 2010

Date :04/04/2017