



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

Wednesday, the Sixth day of December Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.4882 of 2017
IN
CMA(MD) No.806 of 2016

SHRIRAM GENERAL INSURANCE
COMPANY LIMITED, NO.E-8, FIICO,
INDUSTRIAL AREA, SITA PURA JAIPUR,
RAJASTHAN- 302 022. ... PETITIONER/PETITIONER/APPELLANT

Vs

1 U. NITTINKUMAR

2 SHRI MUTHU VEL SERVICE
OLD 100, NEW 16, PERUMALPURAM COLONY,
PALAYAMKOTTAI, TIRUNELVELI,
TAMIL NADU. ... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to modify the conditional order dated 23/11/2016 made in CMP(MD) No.7740 of 2016 in CMA(MD)No.806 of 2016 on the file of this Honourable Court to the effect that the 1st respondent is permitted to withdraw 50% from the entire award amount already deposited any lying to the credit of MCOP.No.499 of 2014 on the file of Motor Accident Claims Tribunal(I Additional District Judge), Thoothukudi, and to make the interim stay absolute.

PRAYER IN CMA(MD) No.806 of 2016

To set aside the fair and decreetal order dated 20.02.2015 made in MCOP.No.499 of 2014 on the file of Motor Accident Claims Tribunal (I Addl. dist. Judge), Thoothukudi and allow this Civil Miscellaneous Appeal.

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.SRINIVASA RAGHAVAN, Advocate for the petitioner and of MR.G.PRABHU RAJADURAI, Advocate for R1 and MR.N.GANAGASAPATHY, Advocate for R2, the court made the following order:-



(Order of this court was made by **K.KALYANASUNDARAM, J.**)

This civil miscellaneous petition has been filed to modify the conditional order dated 23.11.2016 in CMP(MD)No.7740 of 2016 in CMA(MD)No.806 of 2016 on the file of this Court.

2. Mr.Srinivasa Raghavan, learned counsel for the petitioner submitted that an interim stay in the above appeal was granted on 23.11.2016 on condition that the petitioner shall deposit the entire award amount with interest and costs to the credit of CMA(MD)No.806 of 2016. But, even before the order came to be passed, the petitioner had deposited the entire award amount on 24.08.2016, but the deposit was not accepted, hence this petition.

3. Mr.Prabu Rajadurai, learned counsel for the respondent submitted that it would suffice, if the compliance of the order is brought to the knowledge of the tribunal and this petition is unnecessary.

4. The receipt enclosed in the typed set of papers shows that the petitioner had already deposited Rs.67,10,853/- (Rupees Sixty Seven Lakhs and Ten Thousand and Eight Fifty Three only) on 24.08.2016 to the credit of the claim petition and it can be treated as compliance of the conditional order. It is made clear that the claimant can withdraw 50% of the deposited amount as per the order dated 23.11.2016.

5. In the light of the above fact, this civil miscellaneous petition is allowed. No costs.

sd/-
06/12/2017

/ TRUE COPY /

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

TO
THE I ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, THOOTHUKUDI DISTRICT

+1. C.C. to M/S.S.SRINIVASA RAGHAVAN Advocate SR.No.35825

ORDER IN
CMP(MD) No.4882 of 2017
IN
CMA(MD) No.806 of 2016
Date :06/12/2017