



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

Tuesday, the Seventh day of March Two Thousand Seventeen  
PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CMP(MD) No.6590 of 2016

IN

CMA(MD) No.827 of 2013

WEB COPY

1 K.PADMA  
2 KANNAN  
3 SILAMBARASAN ... PETITIONERS/RESPONDENTS 1 TO 3

Vs

1 THE BRANCH MANAGER,  
NATIONAL INSURANCE COMPANY LIMITED,  
T.S.NO.4132, KEELA RAJA VEEDHI,  
PUDUKKOTTAI DISTRICT. ... 1ST RESPONDENT/APPELLANT

2 SATHIYAMOORTHY ... 2ND RESPONDENT/4TH RESPONDENT

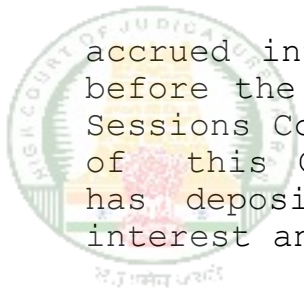
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Permit the petitioners to withdraw 50% of the awarded amount passed in M.C.O.P.No.158 of 2004 on the file of the MACT, Additional District and Sessions Court and Special Court, Pudukkottai dated 20.07.2011.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.J.S.MURALI, Advocate for R1, the court made the following order:-

This Miscellaneous Petition seeking permission of this Court to withdraw 50% of the award amount lying in the credit of MCOP.No.158 of 2004, on the file of Motor Accidents Claims Tribunal, Additional District and Sessions Court and Special Court, Pudukkottai.

2. The petitioners herein filed MCOP.No.158 of 2004, before the Motor Accidents Claims Tribunal, Additional District and Sessions Court and Special Court, Pudukkottai, claiming compensation of Rs.7,00,000/-, for the death of the son of the petitioners 1 & 2 and brother of the third petitioner in the accident took place on 09.12.2003. The Tribunal has awarded a sum of Rs.2,78,500/- as compensation.

3. Challenging the said award, dated 20.07.2011, the appellant Insurance Company filed the present appeal. At the time of admission, by the order, dated 05.04.2013, this Court granted interim stay on condition that the appellant Insurance Company should deposit the 50% of the award amount with proportionate



accrued interest and costs to the credit of MCOP.No.158 of 2004, before the Motor Accidents Claims Tribunal, Additional District and Sessions Court and Special Court, Pudukkottai. As per the direction of this Court, dated 05.04.2013, the appellant/Insurance Company has deposited the 50% of the award amount, with proportionate interest and costs to the credit of MCOP.No.158 of 2004,

on the file of Motor Accidents Claims Tribunal, Additional District and Sessions Court and Special Court, Pudukkottai.

4. Now, the petitioners have come out with the present petition, for permission to withdraw 50% of the award amount of their share, stating that they need money for the Medical treatment of the petitioners 1 & 2 and all other requirements.

5. The learned counsel for the appellant submitted that the respondent has no objection to allow this petition.

6. Recording the no objection made by the learned counsel for the appellant, this petition is ordered permitting the petitioners to withdraw 25% of their share in the award amount as apportioned by the Tribunal with accrued interest lying in the credit of MCOP.No.158 of 2004, on the file of Motor Accidents Claims Tribunal, Additional District and Sessions Court and Special Court, Pudukkottai. The Motor Accidents Claims Tribunal, Additional District and Sessions Court and Special Court, Pudukkottai is directed to deposit the balance 75% of their share in Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai in a Fixed Deposit initially for a period of one year and renewable thereafter periodically until further orders and the petitioner is permitted to withdraw interest once in three months.

sd/-

07/03/2017

/ TRUE COPY /

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

TO

1 THE MOTOR ACCIDENT CLAIMS TRIBUNAL, ADDITIONAL DISTRICT AND SESSIONS COURT AND SPECIAL COURT, PUDUKKOTTAI.

Copy To:-

The Branch Manager,  
Indian Bank, High Court Branch,  
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.K.BAALASUNDHARAM Advocate SR.No.12909

+1. C.C. to M/S.J.S.MURALI, Advocate SR.No.13116

ORDER

IN

CMP(MD) No.6590 of 2016

IN

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Date :07/03/2017