



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

WEB COPY

CMP(MD) No.7802 of 2016
IN
CMA(MD) No.430 of 2016

1 R.SATHYA
2 MINOR R.PONSELVI
3 MINOR R.VIGNESH
4 MINOR R.CHANDRU
5 S.KRISHNAMMAL

...PEITIONERS/RESPONDENTS 1 TO 5

Vs

1 M/S.UNITED INDIA INSURANCE CO.LTD,
63-C, PALAYAMKOTTAI ROAD,
GOVERNMENT HOSPITAL BACK SIDE,
TIRUCHENDUR.
2 S.MURUGAN

...1ST RESPONDENT/APPELLANT

... 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 to withdraw the 50% of the deposited award amount with accrued interest and cost in CMA.No.430 of 2016, pending disposal of the above appeal

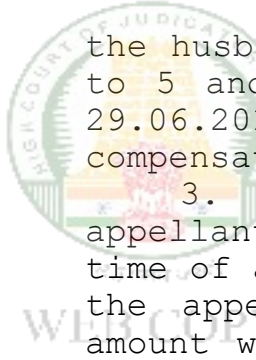
Prayer in CMA(MD) . 430/ 2016 :

To set aside the judgment and decree dated 16.12.2015 passed in MCOP.No.302/2014 on the file of the Motor Accidents Claims Tribunal (1st Additional District Judge), Thoothukudi

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.SIVA THILAKAR, Advocate for the petitioner and of Mr.I.ROBERT CHANDRA KUMAR for Mr.G.PRABHU RAJADURAI 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.430 of 2016, on the file of Motor Accidents Claims Tribunal (I Additional District Judge), Thoothukudi.

2. The petitioner herein filed MCOP.No.302 of 2014, before the Motor Accidents Claims Tribunal, (1st Additional District Court) Thoothukudi, claiming compensation of Rs.5,11,380/- for the death of



the husband of the first petitioner and father of the petitioners 2 to 5 and son of the 5th petitioner in the accident took place on 29.06.2014. The Tribunal was awarded a sum of Rs.4,50,000/- as compensation.

3. Challenging the said award, dated 16.12.2015, the appellant/first respondent herein filed the present appeal. At the time of admission, this Court granted interim stay on condition that the appellant/ first respondent should deposit the entire award amount with proportionate accrued interest and costs to the credit of MCOP.No.302 of 2014, before the Motor Accidents Claims Tribunal, (1st Additional District Court) Thoothukudi. As per the direction of this Court, dated 17.06.2016, the first respondent/Insurance Company has deposited the entire award amount, with proportionate interest and costs to the credit of MCOP.No.302 of 2014, on the file of the Motor Accidents Claims Tribunal, (1st Additional District Court) Thoothukudi.

4. Now, the petitioner has come out with the present petition, for permission to withdraw 50% of the award amount, stating that they needs money for daily expenses and school fees for the children.

5.The learned counsel for the appellant/ first respondent submitted that the the petitioners are challenging the liability and prayed for dismissal of the C.M.P.

6. Accordingly, this petition is ordered permitting the first and fifth petitioners to withdraw 25% of their respective share with proportionate interest. The Tribunal is directed to deposit the balance 75% share of the petitioners 1 & 5 and the entire share of the minor claimants viz., petitioners 2 to 4 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. The first petitioner/mother of the minors 2 to 4 is permitted to withdraw the interest on her share deposited and also on the share of her minor children, viz., petitioners 2 to 4 once in three months from the bank directly. The fifth petitioner is permitted to withdraw the interest on her share deposited once in three months from the bank directly.

sd/-
07/03/2017

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

TO
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
1ST ADDITIONAL DISTRICT JUDGE, THOOTHUKUDI
+1cc to M/S. S.SIVA THILAKAR, ADVOCATE SR.No. 12944

ORDER IN
CMP(MD) No.7802 of 2016
IN
CMA(MD) No.430 of 2016
Date :07/03/2017