



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Sixth day of March Two Thousand Seventeen
PRESENT

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

CMP (MD) No.8072 of 2016

IN

CMA (MD) No.250 of 2015

WEB COPY

- 1 K.KAMALAM
- 2 K.KALAISELVI
- 3 MINOR K.VENKATESHWARI
- 4 MINOR ANUSUYA
- 5 MINOR K.LAVANYA
- 6 S.RENGAMMAL
- 7 P.SUBRAMANIYAN

(Minor petitioners 3 to 4 are
represented by their mother and
natural guardian 1st petitioner
K.Kamalam herein)

... PETITIONERS/APPELLANTS

(2nd Appelte declared as major and gardeenship discharged. Vide
court order dated 3.11.2016 made in CMP(MD) 8071/2016 in CMA (MD)
250/2015 by SMSJ)

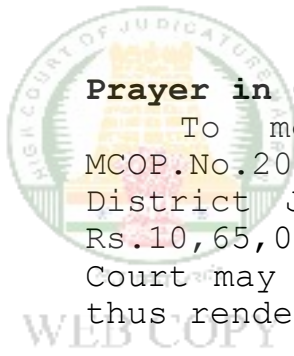
Vs

- 1 DEVAR RAJA MURUGAN @ RAJA DEVAR,
NEAR PARTHHINA COMMERCIAL,
NEAR DEV ASHISH BUILDING,
OPP. POWER HOUSE, KOLSHET,
DHOKALINAKA THANEW,
MAHARASHTRA STATE.
(1st RESPONDENT WAS SET EX-PARTE.
HENCE HE MAY BE DISPENSED WITH)

- 2 M/S.UNIVERSAL SOMPO GIC LTD.,
REPRESENTED BY ITS ZONAL MANAGER,
CAPITAL TOWERS 5TH FLOOR,
554 & 555, ANNA SALAI,
TEYNAMPET,
CHENNAI.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to pass necessary orders by allowing this petition and thereby
permit the petitioner to withdraw the entire Tribunal award amount
together with accrued interest and costs excepts the award amount of
minor petitioners 3 to 5 which was deposited by the 2nd respondent
Insurance Company in M.C.O.P.No.2040 of 2012 on the file of MACT/IV
Additional District Judge, Madurai



Prayer in CMA(MD). 250/ 2015 :

To modify the judgment and decree dated 18.12.2014 in MCOP.No.2040/2012 on the file of the Honble MACT/IV Additional District Judge, Madurai and enhance the compensation to a sum of Rs.10,65,000/- and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

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. N.SUDHAGAR NAGARAJ, Advocate for the petitioners and of M/S. K.R.SHIVASHANKARI for R2 the court made the following order:-

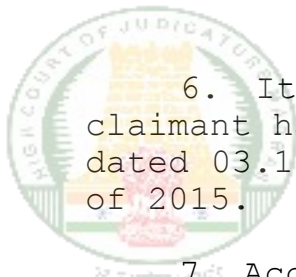
This Civil Miscellaneous Petition has been filed by the petitioners/claimants seeking permission to withdraw the entire award amount deposited with accrued interest and costs to the credit of M.C.O.P.No.2040 of 2012 on the file of the Motor Accident Claims Tribunal - IV Additional District Court, Madurai.

2. The petitioners/claimants filed the claim petition in M.C.O.P.No.2040 of 2012 on the file of the Motor Accident Claims Tribunal - IV Additional District Court, Madurai, claiming compensation to the tune of Rs.23,50,000/- (Rupees Twenty Three Lakhs and Fifty Thousand only) for the death of the husband of the first petitioner; the father of the respondents 2 to 5 and the son of the respondents 6 and 7, in the accident occurred on 21.10.2012 and on contest, the Tribunal awarded a sum of Rs.12,85,000/- (Rupees Twelve Lakhs and Eighty Five Thousand only) along with interest at the rate of 7.5% per annum from the date of petition till date of realisation and proportionate costs. Aggrieved over the quantum of compensation awarded by the Tribunal, the present Civil Miscellaneous Appeal has been filed by the petitioners/claimants for enhancement.

3. Now, the petitioners/claimants have filed the present Civil Miscellaneous Petition seeking permission to withdraw the entire award amount together with accrued interest and costs except the shares of the minor claimants 3 to 5, stating that the only breadwinner of their family died in the accident and therefore, they are unable to maintain the family and they cannot meet out the educational expenses of the minor claimants and hence, this petition is filed.

4. It is represented that the second respondent/Insurance Company has already deposited the entire award amount before the Tribunal.

5. Heard the learned Counsel for the petitioners/claimants and the learned Counsel for the second respondent/Insurance Company, who has no objection for permitting the petitioners 1, 2, 6 and 7/claimants 1, 2, 6 and 7 to withdraw their respective shares from the amount deposited before the Tribunal.



6. It is also seen that the minor second petitioner/second claimant has already been declared as major vide order of this Court dated 03.11.2016 made in C.M.P(MD)No.8071 of 2016 in C.M.A(MD)No.250 of 2015.

7. Accordingly, the petitioners 1, 2, 6 and 7/claimants 1, 2, 6 and 7 alone are permitted to withdraw their respective share amounts along with accrued interest and proportionate costs, from the award amount deposited to the credit of M.C.O.P.No.2040 of 2012 on the file of the Motor Accident Claims Tribunal - IV Additional District Court, Madurai. The shares of the minor petitioners 3 to 5/claimants 3 to 5 are directed to be deposited before the Indian Bank, High Court Branch, Madurai, under the renewable scheme, till they attain majority. The first petitioner/mother of the minor claimants is permitted to withdraw the accrued interest thereon once in three months.

8. In the result, this Civil Miscellaneous Petition is ordered as above.

sd/-
06/03/2017

/ TRUE COPY /

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

TO
MOTOR ACCIDENT CLAIMS TRIBUNAL/
IV ADDITIONAL DISTRICT JUDGE,
MADURAI.

+1. C.C. to M/S. N.SUDHAGAR NAGARAJ Advocate SR.No.12744
+1cc to M/s S.Srinivasa Raghavan, Advocate, SR No.13282

ORDER
IN
CMP(MD) No.8072 of 2016
IN
CMA(MD) No.250 of 2015
Date :06/03/2017

MS/BS/SAR2/09.03.2017/3P.4C