

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Fourteenth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE S.BASKARAN

CMP NO.2719 OF 2018

IN CMA.3537 OF 2017

1 LATHA

[PETITIONERS]

2 MINOR REVATHI
D/O. LATE MANI

3 MINOR DHANALAKSHMI
D/O. LATE MANI
MINOR PETITIONERS ARE REP.BY THEIR
MOTHER/GUARDIAN LATHA.

Vs

1 THE MANAGER

[RESPONDENTS]

CHOLAMANDALAM MS GENERAL INS.COM.LTD., 2ND
FLOOR K.K. TOWER VAISHNAVI NAGAR NEST TO
DHARGA LAKE BANGALORE MAIN ROAD HOSUR 635 109

2 CHENNAKESAVAN

(NO RELIEF SOUGHT AGAINST THE 2ND RESPONDENT
HENCE NOTICE MAY BE DISPENSE WITH)

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 amount with accrued interest lying in the credit of M.C.O.P.No.892 of 2013 on the file of the Motor Accident Claims Tribunal, Special District Krishnagiri (in CMP.No.2719/18) in CMA.3537/2017.

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.N.VIJAYARAGHAVAN FOR M/S.M.B.GOPALAN ASSO., Advocate for the petitioner and of MR.C.PRABHAKARAN Advocate on behalf of the respondents the court made the following order:-

There shall be an order of interim stay on condition that the petitioner/appellant deposits 50% of the award amount together with interest and costs, deducting the amount already deposited to the credit of M.C.O.P.No.892 of 2013 on the file of Motor Accidents Claims Tribunal/Special District Court, Krishnagiri.

within a period of four (4) weeks from the date of receipt of a copy of this order, failing which the stay shall stand automatically vacated.

2. Notice to the respondents returnable by four (4) weeks. Private notice is also permitted.

-sd/-

14/03/2018

THIS PETITION HAVING BEEN POSTED ON THIS 23rd MARCH 2018 FOR BEING MENTIONED IN PURSUANCE TO THE ORDER OF THIS COURT DATED 14.03.2018 AND MADE HEREIN, IN THE PRESENCE OF THE AFORESAID ADVOCATES THE COURT MADE THE FOLLOWING ORDER.

This matter is listed today under the caption for being mentioned.

2. Learned counsel appearing for the Petitioner brought to the attention of this court that an error has crept in in the order passed in the above petition on 14.03.2018 as regards permitting to withdraw 50% of the award amount. It is also stated that instead of permitting to withdraw 50% of the award amount, stay order on condition to deposit 50% of the award amount, is found place. This is an error to be rectified.

3. We have gone through the order and found the mistake, which needs rectification. In these circumstances, Registry is directed to correct the order as follows:-

"1. This petition is filed seeking to permit the petitioners to withdraw 50% of the deposited award amount with accrued interest lying in the credit of M.C.O.P.No.892 of 2013 on the file of MACT, Special District Court, Krishnagiri.

2. It is averred in the petition that the wife and two minor children of the deceased are in emergent need of money as the sole bread winner of the family died in the accident dated 25.12.2012 and the subsequent financial crisis prevailing and to meet out the family needs and educational expenses of the minor claimants.

3. Considering the averments made in the Petition, this court is inclined to allow the petition. Accordingly, the 1st petitioner is permitted to withdraw 50% of the deposited amount with accrued interest lying in the credit of M.C.O.P.No.892 of 2013 on the file of Motor Accident Claims Tribunal, Special District Court, Krishnagiri.

4. The Petition is ordered accordingly."

-sd/-

23/03/2018

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
KRISHNAGIRI.

C.C. to M/S.M.B.GOPALAN ASSOCIATES on payment of necessary charges

C.C. to MR.C.PRABHAKARAN Advocate on payment of necessary charges

Order

in
CMP.2719/2018

in
CMA.3537/2017

Date :14/03/2018

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 16.03.2018
KP(10/04/2018)