

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Twenty Sixth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR JUSTICE S. BASKARAN

CMP NO.18235 OF 2017

IN CMA.728/2013

1 JAMUNA [PETITIONERS]

2 MINOR SARAVANAKUMAR
S/O LATE BALAJEE

3 MINOR HARINI SHREE
D/O LATE BALAJEE
MINOR REP BY THEIR NEXT FRIEND
AND MOTHER THE 1ST APPELLANT JAMUNA

4 LALITHAMBAL

Vs

1 M/S.WINBRO LOGISTICS (P) LTD., [RESPONDENTS]
NO.2,II-FLOOR
KRISHNAN KOIL ST.,
CHENNAI - 600 001

2 THE NEW INDIA INSURANCE CO LTD.,
CASINO DO (712700)
SUNDARAM FINANCE BUILDING
II-FLOOR, NO.21, PATTULOS ROAD,
CHENNAI - 600 002

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners withdraw the award amount deposited to the credit of M.C.O.P No.825/2009 on the file of the Motor Accident Claims Tribunal, Principal District Court at Dharmapuri and (CMP.18235/2017)

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S P.VALLIAPPAN, Advocate for the petitioner and of M/S.J.MICHAEL VISUWASAM, Advocate for the 2nd Respondent the court made the following order:-

This Petition is filed seeking to permit the Petitioners 1 to 4 to withdraw the award amount deposited to the credit of M.C.O.P.No.825 of 2009, on the file of Motor Accidents Claims Tribunal, Principal District Court at Dharmapuri.

2. On a perusal of the affidavit filed in support of the petition, it is seen that due to the death of the husband of the 1st petitioner herein in the accident, they have no source of income. Further, the Petitioners 2 and 3 are minors and are school going children. Therefore, this court is inclined to permit the Petitioners 1 and 4 who are the wife and mother of the deceased to withdraw their share of the award amount.

3. Accordingly, the Petitioners 1 and 4 are permitted to withdraw their entire share amount deposited before the Tribunal. The Petition is ordered accordingly.

-sd/-

26/03/2018

THIS PETITION HAVING BEEN POSTED THIS DAY TWENTY FIFTH DAY OF APRIL TWO THOUSAND EIGHTEEN FOR BEING MENTIONED IN PURSUANCE TO THE ORDER OF THIS COURT DATED 26/03/2018 AND MADE HEREIN AND IN THE PRESENCE OF THE AFORESAID ADVOCATES THE COURT MADE THE FOLLOWING ORDER.

Today, this Civil Miscellaneous Petition is listed under the caption 'for being mentioned' at the instance of the Petitioners/Appellants.

2.The learned counsel for the petitioners states that this Court by order dated 26.03.2018 has permitted the first and fourth petitioners to withdraw their share amount due to the reason that the second and third petitioners are minors. It is further submitted that the 1st petitioner would be permitted to withdraw the interest accrued on the minors' share.

3. Considering the above submission, Paragraph 3 of the order dated 26.03.2018 shall read as follows:-

"(i) The Petitioners 1 and 4 are permitted to withdraw their entire share amount deposited before the Tribunal.

(ii) The first petitioner/mother is permitted to withdraw the accrued interest in respect of share amount of second and third petitioners, once in three months, for their maintenance, till they attain majority.

(iii) The Petitioners/appellants shall file necessary applications before the Tribunal after 2nd and 3rd Petitioners attain majority, in respect of declaring them as majors at that point of time."

4. All other observations made in the above said order shall remain intact.

-sd/-

25/04/2018

/ TRUE COPY /

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

TO

1 THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, DHARMAPURI

C.C. to M/S P.VALLIAPPAN Advocate Sr.No.5188

Order

in

CMP.18235/2017

in

CMA.728/2013

Date :26/03/2018

From 26.2.2001 the Registry is issuing certified
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RRI 06/04/2018
RRI 26/04/2018