



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A. (MD) No.866 of 2017

1.Rathi Athitha Nangai
2.Minor Raj Sundar

... Appellants/Petitioners

[Minor represented through his mother
cum guardian - 1st petitioner]

Vs.

1. Ashok Kumar

2. Shri Ram General Insurance Company Ltd.,
Through its Branch Manager,
E-8, RIICO Industrial Area,
Sitapura Jaipur,
Rajasthan.

... Respondents/Respondents

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 17.03.2016, passed by the Motor Accidents Claims Tribunal, Special Sub Court, Tirunelveli, in M.C.O.P.No.236 of 2015.

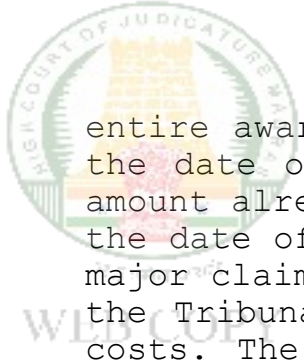
For Petitioners : Mr.T.Selvakumaran
For Respondent : Mr.D.Sivaraman for R.2

ORDER

The learned Counsel appearing for the petitioners submitted a letter dated 27.11.2018, to the Registry, seeking permission of this Court to withdraw the present civil miscellaneous appeal. He has also made an endorsement to that effect.

2. When the matter came up for hearing today, learned Counsel for the petitioners submitted that the petitioners are in urgent need of money and therefore, prayed for a direction to the second respondent to deposit the award amount, within a stipulated time frame.

<https://hcservices.courts.gov.in/hcservices/>
3. In view of the above submission and the endorsement made, this civil miscellaneous appeal is dismissed as withdrawn. The second respondent / Insurance Company is directed to deposit the



entire award amount, with accrued interest at the rate of 7.5% from the date of petition till the date of deposit and costs, less the amount already deposited, if any, within a period of four weeks from the date of receipt of a copy of this judgment. On such deposit, the major claimant is permitted to withdraw her share, as apportioned by the Tribunal, from the deposited amount, with accrued interest and costs. The Tribunal is directed to deposit the share of the minor claimant in his name, with accrued interest and costs, in any one of the nationalized banks until he attains majority. The first claimant, who is the mother / guardian, is permitted to withdraw the interest amount once in three months. It is seen that pay and recovery has been ordered by the Tribunal and therefore, the second respondent / Insurance Company is at liberty to recover the amount from the first respondent as per the decision in **Nanjappan Vs. Oriental Insurance Company Limited and Others**, reported in **2003(1) L.W. 77**. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

The Special Subordinate Judge,
Motor Accidents Claims Tribunal,
Tirunelveli.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.T.SELVAKUMARAN, ADVOCATE IN SR No. 98001
+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 97949

GK
TE/SV/SAR-4 : 04/12/2018 : 2P/6C

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