



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Tuesday, the Tenth day of April Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP(MD) Nos.1651 and 2913 of 2018

IN

CMA(MD) No.831 of 2017

VEERACHAMY

... PETITIONER / 1st RESPONDENT
IN CMP(MD)No.1651/18

THE BRANCH MANAGER

BHARTI AXA GENERAL INSURANCE COMPANY LTD.,

NO.11 BRINDHAVAN ROAD,

FAIR LANDS SALEM-16.

... PETITIONER / APPELLANT
IN CMP(MD)No.2913/18

Vs

1 THE BRANCH MANAGER

BHARTI AXA GENERAL INSURANCE COMPANY LTD.,

NO.11 BRINDHAVAN ROAD,

FAIR LANDS SALEM-16.

... 1st RESPONDENT / APPELLANT
IN CMP(MD)No.1651/18

1 VEERACHAMY

... 1st RESPONDENT/1st RESPONDENT
IN CMP(MD)No.2913/18

2 AMUTHA THENMOZHI

... 2nd RESPONDENT/2nd RESPONDENT
IN BOTH THE PETITIONS

PRAYER IN CMP(MD)No.1651/18:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners herein to withdraw 50% of the amount deposited to the credit of MCOP 64 of 2014 on the file of Motor Accident Claims Tribunal/ Additional District Judge and Special Judge, Pudukkottai, pending disposal of the above Civil Miscellaneous Appeal.

Prayer in CMP(MD). 2913/ 2018 :

to extend the stay granted in C.M.P.(MD) No. 8935 of 2017, dated 04.10.2017 and thus render justice

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of MR.K.C.MANIYARASU, Advocate for the petitioner IN CMP(MD)No.1651/18 and respondent 1 in CMP(MD)



No.2913/18 and of Mr.G.MARUTHIAH, Advocate on behalf of the Respondents IN CMP(MD)No.1651/18 and the petitioner IN CMP(MD) No.2913/18, R-2 set exparte, the court made the following order:-

C.M.P.(MD).No.1651 of 2018 has been filed by the claimant / 1st respondent seeking permission to withdraw 50% of the amount deposited by the appellant / Insurance Company. C.M.P.(MD).No.2913 of 2018 has been filed by the appellant / Insurance Company seeking to extend the time for depositing the entire award amount granted in C.M.P.(MD).No.8935 of 2017, vide order dated 04.10.2017, as a condition for grant of interim stay.

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner / appellant would submit that this Court has already granted interim stay on condition to deposit the entire award within a period of eight weeks, failing which the interim stay granted shall stand vacated automatically without any further reference to this Court, but the petitioner / Insurance company could not deposit the entire award amount within the stipulated time and therefore, the petitioner / Insurance company has come up with this petition seeking extension of time. He would further submit that in order to show *bona fide*, now the petitioner / Insurance company has deposited the entire award amount before the Tribunal, even before getting the extension order. Thus, he requested to extend the time limit granted for depositing the entire award amount by this Court, vide order dated 04.10.2017.

3. The learned counsel appearing for the 1st respondent / claimant would submit that he has no objection in allowing the extension petition. He would further submit that he has filed C.M.P.(MD).No.1651 of 2018 seeking permission to withdraw 50% of the award amount already deposited by the Insurance Company and the same may be allowed, for which the learned counsel for the Insurance Company has raised no objection.

4. Considering the fact that this Court has granted interim stay on condition to deposit the entire award amount with a rider that on such failure, the interim order shall stand automatically vacated, this Court is of the view that now the time limit granted in the conditional order, dated 04.10.2017, cannot be extended. However, considering the submission of the learned counsel for the Insurance Company that now the entire award amount is deposited, this Court is inclined to grant interim order and accordingly, there shall be an order of interim stay of the operation of decree and judgment dated 27.09.2016 in M.C.O.P.No.64 of 2014 on the file of the Motor Accidents Claims Tribunal, Pudukkottai till the disposal of the appeal. So far as the petition seeking permission to withdraw 50% of the award amount is concerned, the claimant is permitted to withdraw 50% of the award amount with accrued interests and costs.



5. Both the miscellaneous petitions are accordingly ordered.

sd/-
10/04/2018

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/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL /
ADDITIONAL DISTRICT JUDGE AND SPECIAL JUDGE,
PUDUKKOTTAI

+1. C.C. to Mr.G.MARUTHIAH, Advocate SR.No.6064

GCG
JAM/16/04/2018/ PN /SAR 4 / 3P-3C

ORDER
IN
CMP(MD) Nos.1651 and 2913 of 2018
IN
CMA(MD) No.831 of 2017
Date :10/04/2018