



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

Wednesday, the Eleventh day of April Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.2325 of 2018

IN

CMA(MD) No.1381 of 2015

1 THANGAM
2 KALEESWARI @ SUHASINI
3 MINOR KARUPPASAMY @ BARATH
S/O.MARIAPPAN,
(MINOR IS REPRESENTED THROUGH HIS NATURAL
GUARDIAN AND MOTHER, THE 1st PETITIONER HEREIN)

4 MADASAMY ... PETITIONERS / RESPONDENTS 1 to 4

Vs

1 THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE COMPANY LTD.,
10/4/2004 THAHA PLAZA ,
SOUTH BYPASS ROAD,
VANNARAPETTAI TIRUNELVELI ... 1st RESPONDENT / APPELLANT

2 SELVI ... 2nd RESPONDENT / 2nd RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit me to withdraw 50% of the 2nd Petitioner share with proportionate accrued interest and cost and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

PRAYER IN CMA(MD) No.1381 of 2015:-

to set aside the Judgment and Decree dated 13.03.2015 passed in MCOP.No.233 of 2013 on the file of the Motor Accident Claims Tribunal, IV Additional District Court, Tirunelveli, and allow the present Civil Miscellaneous Appeal.

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.V.SASI KUMAR, Advocate for the petitioner and of Mr.R.GOREL, Advocate on behalf of the 1st Appellant, the court made the following order:-



(Order of the Court was made by **K.RAVICHANDRABAABU, J**)

This Petition is filed seeking permission to withdraw 50% of the second Petitioner's share in the award amount with proportionate accrued interest and costs.

2.The Insurance Company is the appellant. The present petition is filed by the second respondent in the appeal. At the time of filing the appeal, the Petitioner herein/second respondent in the appeal was a minor. Thereafter, she was declared as major by an order of this Court, dated 2.3.2018 made in C.M.P(MD)No.1145 of 2018. It is not in dispute that the respondents 1 and 4 in the appeal were already permitted to withdraw 50% of their share from the award amount by this Court.

3.Now the present application is filed by the second respondent in the appeal, who now has become major, for withdrawing 50% of her share.

4.Though the learned counsel for the Insurance Company has opposed the present application, in view of the fact that other claimants namely, the respondents 1 and 4 in the appeal are already permitted to withdraw 50% of their respective shares, we are of the view that the same benefit should be extended to the present Petitioner as well.

5.Accordingly, the Petitioner is permitted to withdraw 50% of her share in the award amount with proportionate accrued interest and costs, by filing appropriate application before the Tribunal where the award amount is deposited.

sd/-
11/04/2018

/ TRUE COPY /

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

TO

THE IV ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUNELVELI

+1. C.C. to M/S.V.SASI KUMAR Advocate SR.No.5896

vsn
JAM/18/04/2018/ CSL-RR /GSR/ 2p-3c