



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

Thursday, the Twenty Sixth day of April Two Thousand and Eighteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.2454 of 2018
IN
CMA (MD) No.851 of 2017

1 D.EZHIL USHA

2 MINOR.V.SEHJAL

3 MINOR.V.ABISH

4 T.MARY THOMAS (DIED) ,
W/O.THOMAS,
THE LEGAL HEIRS OF T.MARY THOMAS,
ARE NOT NECESSARY PARTIES AS THEY ARE NOT
THE DEPENDENT OF THE DECEASED T.VINCENT.

5 T.PUSHPALATHA,
D/o.THOMAS,
(THE APPELLANTS 2nd AND 3rd ARE MINORS
REP. BY THEIR MOTHER & NATURAL GUARDIAN THE
1st APPELLANT HEREIN) .

... PETITIONERS / RESPONDENTS

Vs

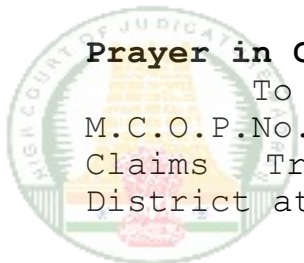
1 R.RADHAKRISHNAN

... RESPONDENT / RESPONDENT

2 THE MANAGIND GIRECTOR,
TAMIL NADU STATE TRANSPORT CORP,
BYE PASS ROAD, MADURAI REP BY GENERAL MANAGER,
TNSTC, NAGERCOIL DIVISION, RANITHOTTAM, NAGERCOIL,
AGASTEESWARAM, KANYAKUMARI DISTRICT.

... RESPONDENT / APPELLANT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Pleased to permit the petitioners to withdraw of Rs.5,00,000 of the award amount with accrued interest and cost depostied to the credit of M.C.O.P.No.6 of 2015 on the file of the Motor Accident Claims Tribunal, (Chief Judicial Magistrate Court, Nagercoil, kanyakumari District, pending disposal of the above Civil Miscellaneous Petition and thus render justice.



Prayer in CMA(MD). 851/ 2017 :

To allow this appeal, set aside the Award and decree made M.C.O.P.No.6/2015 dated 20.5.2016 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate Court, Kanyakumari District at Nagercoil.

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.T.ARUL, Advocate for the petitioner the court made the following order:-

This Civil Miscellaneous Petition has been filed to permit the petitioners to withdraw a sum of Rs.5,00,000/-, towards admitted amount deposited by the appellant Corporation to the credit of M.C.O.P.No.6 of 2015 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court), Nagercoil, Kanyakumari District, which was later transferred to the credit of C.M.A.(MD) No.851 of 2017 before the Indian Bank, Madurai Bench of Madras High Court, Madurai, with accrued interest and costs, pending disposal of the above Civil Miscellaneous Appeal.

2. It is stated that at the time of accident, the petitioners 2 & 3 were minors and the second petitioner has now become major. The first petitioner would state that after the death of her husband (deceased), she is not having any other source of income to meet the daily needs as well as the school fees of her children and therefore, she is before this Court seeking permission of this Court to withdraw a sum of Rs.5,00,000/- deposited by the appellant.

3. It is seen that the tribunal has awarded a sum of Rs.9,39,600/- with interest @ 7.5%. The tribunal has apportioned the award amount for the minor children also and the appellant has preferred this appeal questioning the quantum to the tune of Rs.4,39,600/-.

4. Being satisfied with the reasons stated in the affidavit filed in support of the petition and also considering the welfare of the children, as an interim measure, the first petitioner, being the mother of the petitioners 2 & 3, is permitted to withdraw a sum of Rs.5,00,000/- from the award amount. The apportionment to the children and other claimants will be considered during the final hearing of the main appeal.

5. With the above directions, this civil miscellaneous petition stands disposed of.

sd/-
26/04/2018

/ TRUE COPY /



TO

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KANYAKUMARI DISTRICT AT NAGERCOIL.

WEB COPY

+1. C.C. to M/S.T.ARUL Advocate SR.No.7398.

ORDER

IN

CMP (MD) No.2454 of 2018

IN

CMA (MD) No.851 of 2017

Date :26/04/2018

SDS/VR/VK/27.04.2018/3P/3C