



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CMP(MD) No.6141 of 2017 and 724 of 2018

IN

CMA(MD) No.586 of 2017

CMP(MD) No.6141 of 2017 IN CMA(MD) No.586 of 2017:

THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION LIMITED,
THIRUMAYAM ROAD,
PUDUKKOTTAI TOWN AND DISTRICT. ... PETITIONER/APPELLANT

Vs

1 MALAR
2 MADHAVI
3 NATHIYA
4 YAHAMBAL
5 VELLAIAMMAL
6 MINOR.PANDI ... RESPONDENTS/RESPONDENTS
(THE 6TH RESPONDENT IS MINOR REPRESENTED BY HIS MOTHER
AND GUARDIAN THE 1st RESPONDENT HEREIN)

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to stay all further proceedings in the judgment and decree dated
16/04/2016 passed in MCOP.No.397/2012 on the file of the Motor
Accident Claims Tribunal/Additional District Judge, Pudukkottai
pending disposal of the above Civil Miscellaneous Appeal.

CMP(MD) No.724 of 2018 IN CMA(MD) No.586 of 2017:

1 MALAR
2 MADHAVI
3 NATHIYA
4 YAHAMBAL
5 VELLAIAMMAL
6 MINOR.PANDI
(THE 6TH PETITIONER IS MINOR REPRESENTED BY HIS MOTHER
AND GUARDIAN THE 1st PETITIONER HEREIN) ... PETITIONERS/
RESPONDENTS No.1 to 6/CLAIMANTS



Vs

THE MANAGING DIRECTOR,
TAMILNADU STATE TRANSPORT CORPORATION LIMITED,
THIRUMAYAM ROAD,
PUDUKKOTTAI TOWN
PUDUKKOTTAI DISTRICT.

... RESPONDENT/APPELLANT/RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to pass necessary orders by allowing this petition and thereby permit the petitioners to withdraw the 50% of the Tribunal award amount together with proportionate accrued interest and costs which was deposited by the respondent in MCOP.No.397 of 2012 dated 16/04/2015 on the file of the Motor Accident Claims Tribunal/ Additional District Judge, Pudukkottai.

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.PRABHAKARAN, Advocate for the petitioner in CMP(MD)No.6141/2017 IN CMA(MD)No.586/2017, and the Respondents in CMP(MD)No.724/2018 IN CMA(MD)No.586/2017, and of M/S.G.MAHADEVAN, Advocate for the Petitioners 1 to 5 in CMP(MD)No.724/2018 IN CMA(MD)No.586/2017, and the Respondents 1 to 5 in CMP(MD)No.6141/2017 IN CMA(MD)No.586/2017, the court made the following order:-

The learned counsel for the petitioners / appellants is present and the learned counsel for the respondent is absent and there is no representation for the respondent.

2.Earlier, the petitioner was directed to file proof of deposit in respect of granting interim stay in C.M.P.(MD)No.6141 of 2018. Today proof of deposit is filed, depositing a sum of Rs.6,77,809/- towards 50% of the award amount before the Tribunal.

3.The petition in C.M.P.(MD)No.724 of 2018 is filed by the petitioners / claimants to withdraw 50% of the award amount together with proportionate and costs.



4.The learned counsel for the respondent / appellant / Transport Corporation has no objection to withdraw 50% of the deposited amount though the appellant is disputing the liability.

5.In view of the compliance of the conditional order, interim stay is made absolute. Further, the petitioners / claimants in C.M.P.(MD)No.724 of 2018 are permitted to withdraw 50% of their respective shares fixed by the Tribunal in the deposited amount from the Tribunal, except the 6th minor claimants and the balance amount with interest and cost is ordered to be deposited in a nationalized bank for 3 years. Accordingly, these petitions are allowed.

sd/-
21/03/2018

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

TO

THE ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
PUDUKOTTAI.

ORDER
IN
CMP(MD) No.6141 of 2017 & 724 of 2018
IN
CMA(MD) No.586 of 2017
Date :21/03/2018

PK/RR/SAR-1/05.04.2018 : 3P/2C