



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

Thursday, the Twelfth 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.3411 of 2018

IN

CMA(MD) No.103 of 2018

- 1 B.BOMMI
  - 2 B.ILAKKIYA
  - 3 P.PRIYADARSHINI
  - 4 MINOR.P.BHAVANI SURUTHI,  
D/O.LATE POTHIRAJAN  
(REPRESENTED BY HER MOTHER & GUARDIAN  
OF THE 1<sup>st</sup> PETITIONER)
  - 5 S.SUBBIAH
  - 6 S.SEENIYAMMAL
- ... PETITIONERS / RESPONDENTS 1 to 6

Vs

- 1 HDFC ERGO GENERAL INSURANCE COMPANY LTD.,  
1ST FLOOR, 165-166 BANK BAY RECLAMATION,  
H.T PAREKH MARG, CHURCH GATE,  
MUMBAI-20
  - 2 JUBI ISAAC
- ... 1<sup>st</sup> RESPONDENT / APPELLANT
- ... 2<sup>nd</sup> RESPONDENT / 7<sup>th</sup> RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw 50% of the amount deposited by the 1st respondent to the credit of MCOP.No.114/2014 on the file of the Motor Accident Claims Tribunal cum Sub Judge, Uthamapalayam, with proportionate interest and pass such other orders and thus render justice.

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.G.VANJINATHAN, Advocate for the petitioner and of Mrs.K.R.SHIVASHANKARI, Advocate for Mr.S.SRINIVASARAGHAVAN, Advocate on behalf of the Respondents, the court made the following order:-

This petition is filed seeking permission to withdraw 50% of the amount deposited by the appellant to the credit of M.C.O.P.No.114 of 2014 on the of the Motor Accident Claims Tribunal



cum Sub Judge, Uthamapalayam with proportionate interest.

2. Heard both sides.

3. The present appeal is filed by the Insurance Company questioning the quantum. The correctness or otherwise of the contentions raised by the appellant in this appeal has to be gone into and decided in the main appeal. In the meantime, the appellant has deposited the entire award amount with accrued interest, pending disposal of the appeal.

4. Now, the petitioners before this Court, who are the claimants, are seeking permission to withdraw 50% of their respective share of the award amount, as awarded by the Tribunal.

5. Considering the above stated facts and circumstances and also considering the fact that one of the petitioners, viz., the fourth petitioner, is a minor, this petition is ordered only insofar as the petitioners 1, 2, 3, 5 and 6 are concerned, by permitting them to withdraw 50% of their respective share of the award amount with accrued interest.

6. In the meantime, as the appellant/Insurance Company is disputing the quantum alone in this appeal, it is better the parties resolve their dispute by way of negotiation. Therefore, the Registry is directed to refer the matter before the Mega Lok Adalat to be held on 22.04.2018.

7. Accordingly, this application is ordered.

sd/-

12/04/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL  
CUM SUBORDINATE JUDGE, UTHAMAPALAYAM

COPY TO:-

THE DEPUTY REGISTRAR (MEGA LOK ADALAT)  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

RJ2

JAM/13/04/2018/ CM-VR /VK/ 2P-3C

ORDER

IN

CMP (MD) No.3411 of 2018

IN

CMA (MD) No.103 of 2018

Date :12/04/2018