



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

Wednesday, the First day of August Two Thousand and Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.3918 and 3919 of 2018

IN

CMA(MD) No.26 of 2018

SUTHA DEVI

... PETITIONER / 1st RESPONDENT
(in CMP(MD) No.3918 of 2018)

CHELLAMMAL

... PETITIONER / 3rd RESPONDENT
(in CMP(MD) No.3919 of 2018)

Vs

RELIANCE GENERAL INSURANCE CO.LTD,
REP.BY ITS GENERAL MANAGER,
NO.91-A, EAST VELI STREET,
MADURAI.

... RESPONDENT / APPELLANT
(in Both petitions)

COMMON PRAYER :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner herein to withdraw 50% of her award amount from the amount deposited by the respondent/appellant herein in MCOP.No.104 of 2013 on the file of the Motor Accident Claims Tribunal(Subordinate Court), Sankarankoil.

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.SUBBIAH, Advocate for the petitioner in both the petitions and of Mr.S.SRINIVASA RAGHAVAN, Respondent in both petitions, the court made the following order:-

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

The petition in C.M.P.(MD).No.3918 of 2018 is filed by the first respondent in the appeal, who is the wife of the deceased. The petition in C.M.P.(MD).No.3918 of 2018 is filed by the third respondent in the appeal, who is the mother of the deceased. Both the petitions are filed seeking permission to withdraw 50% of the award amount deposited by the appellant Insurance Company.



2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

3. This Court while entertaining the appeal and granting interim stay, directed the appellant Insurance Company to deposit a sum of Rs.30,00,000/- on the file of the Tribunal. It is stated that the said condition was complied with.

4. Considering the facts and circumstances of the case and also considering the fact that the subject matter appeal is arising out of a fatal accident case, we are of the view that the petitioners/claimants be permitted to withdraw 50 % of the amount deposited by the appellant Insurance Company in proportion to their share as awarded by the Tribunal by making appropriate application.

5. Accordingly, the petitioners/claimants are permitted to withdraw 50% of the amount already deposited by the appellant Insurance Company in proportion to their share as awarded by the Tribunal by making appropriate application.

6. Post the main appeal for final hearing after eight weeks.

sd/-
01/08/2018

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SANKARANKOIL.

+1. C.C. to M/S.P.SUBBIAH, Advocate, SR.No.14703.
+1. C.C. to M/S.S.SRINIVASA RAGHAVAN, Advocate, SR.No.14864.

ORDER
IN
CMP(MD) No.3918 and 3919 of 2018
IN
CMA(MD) No.26 of 2018
Date :01/08/2018

RAM/RR/SAR 4/27.08.2018/2P/4C