



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

Friday, the Twentieth 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.3973 of 2018

IN

CMA(MD) No.7 of 2018

1 KARTHIKEYAN

2 ANDAL AMMAL

... PETITIONERS / 1& 2 RESPONDENTS

**(R1 IS DECLARED AS MAJOR AND THE
GUARDIANSHIP DISCHARGED VIDE ORDER**

DATED 20.04.2018 MADE IN CMP(MD)No.

3972/2018 IN CMA(MD)No.1/2018 BY KRCB & TKJ

Vs

1 TAMIL NADU STATE TRANSPORT CORPORATION
(MADURAI DIVISION-VI) LTD.
DINDIGUL REGION THRO ITS GENERAL MANAGER
BYE PASS ROAD, DINDIGUL

... 1st RESPONDENT/APPELLANT

2 ANTHONIYAR

3 B.RADHAKRISHNAN

4 THE DIVISIONAL MANAGER

UNITED INDIA INSURANCE COMPANY,
JEEVA JOTHI BUILDING SALAI ROAD,
DINDIGUL.

... RESPONDENTS 2 to 4/RESPONDENTS 3 to 5

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to be pleased to permit the petitioners to withdraw undisputed Rs, 25,00,000/- with the interest and 50% of the remaining amount Rs.15,00,000/- deposited by the 1st respondent to the credit of M.C.O.P.No.84 of 2012 on the file of the Motor Accident Claims Tribunal cum Additional District and Sessions Judge, Dindigul and 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 MRS.VIJAYAKUMARI NATARAJAN, Advocate for the petitioner and of Mr.K.SUDALAIYANDI, Advocate on behalf of the



Respondent 1, Mr.A.SHAJAHAN, Advocate for R4, the court made the following order:-

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

This Miscellaneous Petition is filed seeking permission to the Petitioners to withdraw the undisputed award amount of Rs.25 lakhs with interest and 50% of the remaining amount of Rs.15 lakhs deposited by the first respondent/Transport Corporation.

2.The appellant is the Tamil Nadu State Transport Corporation. They filed the appeal aggrieved against the award passed by the Motor Accident Claims Tribunal only by disputing their liability in respect of a portion of the award namely Rs.15 lakhs. In other words, the appellant is not aggrieved against the remaining Rs.25 lakhs of the award amount, as they admit their liability with regard to such quantum. The Tribunal awarded a total compensation of Rs.40 lakhs, with interest.

3.While entertaining this appeal and also the stay petition filed by the appellant, this Court by order, dated 5.1.2018, granted interim stay, subject to the payment of entire award amount by the appellant/Transport Corporation, also by recording the submission made by the counsel for the appellant/Transport Corporation that a sum of Rs.15 lakhs has already been deposited and the balance shall be deposited within a period of four weeks.

4.Today, the matter is taken up for further hearing and also for considering the present application filed by the claimants. The learned counsel for the appellant/Transport Corporation submitted that they have deposited the balance amount of Rs.25 lakhs and also the accrued interest.

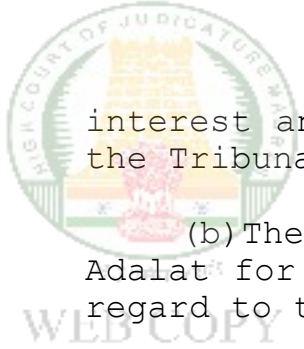
5.There is no dispute to the fact that the present appeal is filed only in respect of a portion of the award namely Rs.15 lakhs. As the appellant/Transport Corporation is not disputing their liability with regard to the balance amount of Rs.25 lakhs with proportionate accrued interest thereon, there will not be any impediment for the respondents/claimants to withdraw the said sum with proportionate accrued interest.

6.The learned counsel for the appellant further submitted that insofar as the remaining amount of Rs.15 lakhs is concerned, it is the subject-matter of the appeal and hence, the matter may be referred to the next Lok Adalat, so that the parties can resolve the dispute.

7.Recording the above said submission of the respective parties, the following order is passed:

<https://hcservices.ecourts.gov.in/hcservices/>

(a)the Petitioners /Respondents 1 and 2 in the appeal are permitted to withdraw Rs.25 lakhs with proportionate accrued



interest and costs thereon by making appropriate application before the Tribunal below.

(b) The Registry is directed to refer the matter to the next Lok Adalat for the parties appearance and to resolve their dispute with regard to the subject-matter quantum in the present appeal.

sd/-
20/04/2018

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL
CUM ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DINDIGUL

+1. C.C. to MRS.VIJAYAKUMARI NATARAJAN Advocate SR.No.6711
+1 CC TO Mr. K.SUDALAIYANDI , Advocate, Sr.No. 6698

JAM/29/05/2018/ PN(SMA)/GSR/ 3P-4C

ORDER
IN
CMP(MD) No.3973 of 2018
IN
CMA(MD) No.7 of 2018
Date :20/04/2018