



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

Monday, the Sixteenth day of July Two Thousand Eighteen

PRESENT

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

CMP (MD) No.4356 of 2018
IN
CMA (MD) No.114 of 2018

1 PAUL DURAICHI
2 RAJASEKARAN
3 MINOR SATHISHKUMAR
4 MINOR AJITH
5 CHELLASAMY PANDIAN

(MINOR PETITIONERS THROUGH THEIR
MOTHER, GUARDIAN AND NEXT FRIEND
PAUL DURAICHI)

... PETITIONERS/RESPONDENTS

Vs

1 THE DIVISIONAL MANAGER
THE ORIENTAL INSURANCE COMPANY LIMITED,
1ST FLOOR, D.D.J. CENTRE,
OPP. TO VADASERY BUS STAND,
NAGERCOIL.

...1ST RESPONDENT/APELLANT

2 SANKAR

... 2ND 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 the deposited amount (50% award amount with accrued interest and cost) in the credit of M.C.O.P.No.896 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tirunelveli 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.R. JIM, Advocate for the petitioners and of MR.C.BHASKARAN, Advocate for the respondent the court made the following order:-

(Order of the court by T.KRISHNAVALLI, J.,)

This petition is filed to permit the petitioners to withdraw the deposited amount (50% award amount with accrued interest and cost) in the credit of M.C.O.P.No.896 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tirunelveli.



2. Heard the learned counsel for the petitioners and the learned counsel appearing for the 1st respondent/Insurance Company.

3. The claimants are the legal dependants of the deceased. The learned counsel appearing for the 1st respondent/ Insurance Company has strongly opposed this petition.

4. Considering the facts and circumstances of the case, this Court is inclined to permit the petitioners 1, 2 and 5 alone to withdraw 25% of their proportionate share. Accordingly, the petitioners 1, 2 and 5 alone are permitted to withdraw 25% of their proportionate share in the credit of M.C.O.P.No.896 of 2014 on the file of the Motor Accidents Claims Tribunal, Special Sub Judge, Tirunelveli.

sd/-

16/07/2018

/ TRUE COPY /

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

TO

THE SPEICIAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNEVELI.

+1. C.C. to M/S.R.JIM Advocate SR.No.13189

+1. C.C. to M/S.K.BHASKARAN Advocate SR.No.13119

GJM/RR/GSR/19.7.18-2P-4C

ORDER

IN

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IN

CMA(MD) No.114 of 2018

Date :16/07/2018