



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

Monday, the Seventeenth day of December Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

C.M.P (MD) Nos.10353 and 10354 of 2018
in
C.M.A (MD) No.524 of 2016

1 M.PERIYAKKAL
2 M.MEENAL
3 MINOR M.NIROSHA
4 MINOR M.ASHA
5 MINOR M.ANUSHA

... PETITIONERS/ APPELLANS
IN BOTH THE PETITIONS

(APPELLANTS 3 TO 5 ARE MINORS REP.

THROUGH THEIR MOTHER M.PERIYAKKAL THE 1st APPELLANT)

Vs

TAMIL NADU STATE TRANSPORT CORPORATION LTD,
REP.THROUGH THE MANAGING DIRECTOR,
HAVING DIVISIONAL OFFICE AT TIRUNELVELI REGION,
TIRUNELVELI.

... RESPONDENT/ RESPONDENT
IN BOTH THE PETITIONS

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 1st petitioners share amount of Rs.5,80,247/- along with accrued interest and proportionate cost of the petitioners/appellants 3 to 5 lying in the credit of MCOP No.503 of 2015 on the file of the Motor Accidents Claims Tribunal, (VI Additioanl District Court), Madurai, and thus render justice.

Prayer in CMP(MD) . 10354/ 2018 :

Pleased to permit the petitioner to withdraw the 2nd petitioners share amount of Rs.1,15,586/- along with accrued interest and proportionate cost of the petitioner lying in the credit of MCOP No.503 of 2015 on the file of the Motor Accident Claims Tribunal, (VI Additional District Court), Madurai and thus render justice.

Prayer in CMA(MD) . 524/ 2016 :

To prefer this memorandum of grounds of Civil Miscellaneous Appeal against the award dated 02.12.2015 and made in M.C.O.P.No.503/2015 on the file of the Motor Accident Claims Tribunal, VI Additional District Court, Madurai, and praying to set aside the same.



ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.J.RAMAMOORTHY, Advocate for the petitioners in both the petitions, the court made the following order:-

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These petitions have been filed by the petitioners/major claimants to withdraw their respective shares along with accrued interest and proportionate cost lying in the credit of M.C.O.P.No.503 of 2015 on the file of the Motor Accidents Claims Tribunal/sixth Additional District Court, Madurai. The petitioner in C.M.P(MD)No.10353 of 2018, who is the mother/guardian of the minor claimants 3 to 5, has also sought to withdraw the interest accrued in the deposit of the share amounts of the minor claimants 3 to 5.

2.Heard the learned counsel appearing for the petitioners.

3.Though notice has been served on the respondent Corporation and name of the respondent has been printed in the cause list, none appears for the respondents.

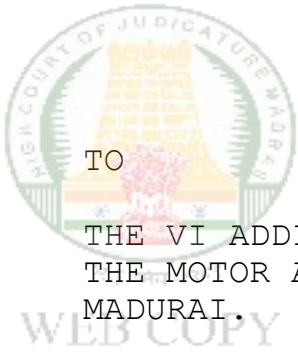
4.C.M.A(MD)No.524 of 2016 has been filed by the claimants seeking to enhance the compensation. It is stated by the learned counsel appearing for the petitioners that the respondent Corporation has already deposited the entire award amount with accrued interest and costs before the Tribunal and the respondent Corporation has not filed any appeal against the award of the Tribunal.

5.In view of the above, these petitions are allowed and the petitioners/claimants 1 and 2 are permitted to withdraw their respective shares in the award amount with accrued interest and proportionate cost lying in the credit of M.C.O.P.No.503 of 2015 on the file of the Motor Accidents Claims Tribunal/sixth Additional District Court, Madurai. The petitioner in C.M.P(MD)No.10353 of 2018/first claimant, who is the mother/guardian of the minor claimants 3 to 5, is also permitted to withdraw the interest accrued in the deposit made in respect of the shares of the minor claimants 3 to 5, lying in the credit of M.C.O.P.No.503 of 2015 once in three months till they attain majority.

sd/-
17/12/2018

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



TO

THE VI ADDITIOANL DISTRICT JUDGE,
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
MADURAI.

+1. C.C. to Mr.J.RAMAMOORTHY Advocate SR.No.23639

ORDER IN
C.M.P (MD) Nos.10353 and 10354 of 2018
in C.M.A (MD) No.524 of 2016
Date :17/12/2018

MS/PN-AC/SAR-4/24.12.2018/3P.3C