



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

Tuesday, the Tenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) Nos.5633 and 5634 of 2018

IN

CMA(MD) No.13 of 2018

1 LAKSHMI

2 MINOR MONIKA
D/O.MUTHU

3 RAJA VELAMMAL
(MINOR PETITIONER THROUGH HER MOTHER,
GUARDIAN AND NEXT FRIEND LAKSHMI
THE 1ST PETITIONER HEREIN).

... PETITIONERS / RESPONDENTS
IN CMP(MD)No.5633/18
... PETITIONER/3rd RESPONDENT
IN CMP(MD)No.5634/18

Vs

1 THE NEW INDIA ASSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
NO.96, BHARATHIYAR SREET,
SATTUR.

... APPELLANT / RESPONDENT
IN BOTH THE PETITIONS

2 SUBBIAH

..2nd RESPONDENT/4th RESPONDENT
IN BOTH THE PETITIONS

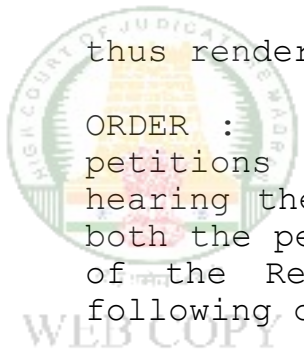
(2nd RESPONDENT REMAINED EX-PARTE
BEFORE THE LEARNED LOWER COURT)

PRAYER IN CMP(MD)No.5633/18

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 award amount with entire accrued interest and cost in the credit on M.C.O.P.No.64 of 2015 on the file of the Motor Accidents Claims Tribunal, IV Additional District and Sessions Judge, Tirunelveli and thus render justice.

Prayer in CMP(MD). 5634/ 2018 :

to permit the petitioner 3rd Respondent to withdraw 50% of the award amount with entire accrued interest and cost in the credit on M.C.O.P.No.64 of 2015 on the file of the Motor Accidents Claims Tribunal, IV Additional District and Sessions Judge, Tirunelveli and



thus render justice.

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.R.JIM, Advocate for the petitioners in both the petitions and of Mr.B.VIJAY KARTHIKEYAN, Advocate on behalf of the Respondents in both the petitions. the court made the following order:-

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

These Petitions are filed to permit the Petitioners to withdraw 50% of the entire award amount with accrued interest.

2.The appellant is the Insurance Company. These Petitions are filed by the respondents 1 to 3/Claimants. The appeal pertains to a fatal accident case. While entertaining the appeal, this Court by order, dated 12.01.2018 granted interim stay subject to the condition that the Insurance Company deposits the entire award amount. Accordingly, it is stated that the entire award amount has been deposited.

3.Considering the fact that the case is in respect of a fatal accident and that the claimants are the legal heirs of the deceased, these Petitions are ordered and the Petitioners 1 and 3 alone are permitted to withdraw 50% of the amount in proportion to their respective share, as ordered by the Tribunal, with accrued interest.

sd/-
10/07/2018

/ TRUE COPY /

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

TO

THE IV ADDITIONAL DISTRICT AND SESSIONS JUDGE/
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI

+1. C.C. to M/S.R.JIM Advocate SR.No.12555

vsn
JAM/17/07/2018/ RR /VK/ 2p-3c

ORDER
IN
CMP (MD) Nos.5633 and 5634 of 2018
IN
CMA (MD) No.13 of 2018
Date :10/07/2018