



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

Friday, the Twenty Seventh day of July Two Thousand Eighteen
PRESENT

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

WEB COPY

CMP(MD) No.6749 of 2018
IN
CMA(MD) No.313 of 2018

1 B.SANTHA
2 G.VISHALATCHI
3 PALANIAMMAL
V.VENKATACHALAM (DIED)
4 KANNIAMMAL

... PETITIONERS/ RESPONDENTS 1 TO 4/
CLAIMANTS

Vs

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
(KUMBAKONAM DIVISION II) LTD,
PERIYAMILAGUPARAI,
COLLECTOR OFFICE ROAD, TRICHY.

... RESPONDENT/ APPELLANT/
RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass necessary orders by allowing this petition and thereby permit the petitioners to withdraw the appellant admitted liability of Rs.12,00,000/- together with proportionate interest and costs which was deposited by the respondent in M.C.O.P.No.9 of 2017 on the file of the Motor Accident Claims Tribunal, Principal Sub Court, Karur.

Prayer in CMA(MD). 313/ 2018 :

To allow this appeal, set aside the award and decree made in M.C.O.P.No.9 of 2017 dated 12.09.2017 on the file of the Motor Accident Claims Tribunal/Principal Sub Court, Karur and pass such other or further orders that are deemed fit and proper in the circumstances of the case 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.N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of Mr.P.MANOHARAN, Advocate on behalf of the Respondent, the court made the following order:-

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

This Petition is filed seeking permission to the Petitioners to withdraw a sum of Rs.12,00,000/- (Rupees twelve lakhs only) together with proportionate interest and costs, which was



deposited by the respondent/Corporation in M.C.O.P.No.9 of 2017, on the file of the Motor Accident Claims Tribunal(Principal Sub-Court), Karur.

2.Heard both sides.

3.The respondent herein, as appellant, filed the present Civil Miscellaneous Appeal aggrieved against the award passed by the Tribunal in M.C.O.P.No.9 of 2017. This Court while granting interim stay by an order, dated 4.6.2018, directed the appellant/Transport Corporation to deposit the entire award amount with interest and costs on the file of the Tribunal below.

4.It is stated by the learned counsel for the appellant/Transport Corporation that the entire award amount is deposited.

5.The present appeal is filed only by questioning the quantum insofar as to the tune of Rs.15,17,931/-,alone however, by admitting the liability of Rs.12 lakhs. Now the said sum of Rs.12 lakhs is sought to be withdrawn by the Petitioners/claimants.

6.When it is admitted by the appellant/Transport Corporation about their liability of Rs.12 lakhs payable to the claimants, there will not be any impediment for the claimants to withdraw the said amount out of the total award amount deposited by the appellant/Transport Corporation.

7.Accordingly, this Petition is allowed and the Petitioners/claimants are permitted to withdraw a sum of Rs.12 lakhs(Rupees twelve lakhs only) with proportionate accrued interest and costs, out of the total award amount deposited by the Tribunal.

sd/-
27/07/2018

/ TRUE COPY /

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

TO
THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

+1. C.C. to Mr.N.SUDHAGAR NAGARAJ Advocate SR.No.14480

ORDER IN
CMP(MD) No.6749 of 2018
IN
CMA(MD) No.313 of 2018
Date :27/07/2018