



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

Thursday, the First day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mrs Justice PUSHPA SATHYANARAYANA
and
The Hon`ble Mrs.Justice T.KRISHNAVALLI

CMP(MD) No.10935 of 2018

IN

CMA(MD) No.437 of 2018

ICICI BANK, REP.BY ITS MANAGER,
CAPE ROAD, NAGERCOIL & P.O.,
VADIVEESWARAM VILLAGE,
AGATEESWARAM TALUK,
KANYAKUMARI DISTRICT,
NAGERCOIL.

... PETITIONER/APPELLANT/5th OPPOSITE PARTY

Vs

1 C.A.DEVI

2 SIVA SARASWATHI (MINOR)

3 SIVAKUMAR (MINOR)

4 MATHAMMAI

... RESPONDENTS/RESPONDENTS/CLAIMANTS

(Minor Respondents 2 and 3 are represented by their
mother and guardian 1st respondent)

5 N.NEELESWARAN

6 R.RAJASEKAR

7 UNITED INDIA INSURANCE COMPANY LTD.,
REP. BY ITS MANAGER, NAGERCOIL & P.O., &
VILLAGE, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT.

8 ORIENTAL INSURANCE COMPANY,
REP. BY ITS MANAGER,
DDJ CENTRE, 1ST FLOOR,
OPP. VADASERY BUS STAND, NAGERCOIL,
NAGERCOIL VILLAGE, AGASTEESWARAM TALUK,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS/
1st TO 4th OPPOSITE PARTIES

Petition praying that in the circumstances stated therein and

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

in the affidavit filed therewith the High Court will be pleased to
pass an order, granting a further period of eight weeks to comply



with the order by extending the time for depositing the award amount in M.C.O.P. No. 41/2013 on the file of the Motor Accidental Claim and Chief Judicial Magistrate, Nagercoil, pending disposal of the above CMA(MD) No. 437 of 2018.

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Prayer in CMA(MD). 437/ 2018 :

To set aside the award passed in M.C.O.P.No.41/2013 dated 23.02.2015 on the file of the Motor Accident Claim Tribunal and Chief Judicial Magistrate Court, Nagercoil by allowing this Civil Miscellaneous Appeal 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 M/S.J.ALAGURAM JOTHI, Advocate for the petitioner and of MR.ROYCE IMMANUEL, Advocate for R7, the court made the following order:-

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

This petition has been filed by the petitioner/appellant-ICICI Bank to extend the time for depositing the award amount.

2. Earlier, this Court had passed an order on 26.06.2018 staying the further proceedings in M.C.O.P.No.41 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagercoil, on condition that the entire amount with accrued interest and costs be deposited within a period of four weeks. The petitioner/appellant did not comply with the order within time.

3. It is the case of the petitioner/appellant that the Bank is no way connected with the accident and is also not liable at all. However, when there is an order of Court, the Bank ought to have deposited the amount. It is now stated that the claimants 1 to 4 have also levied Execution Petition. In the meanwhile, the learned counsel appearing for the claimants, who are the respondents 1 to 4 suddenly reported 'no instructions' and withdrew his vakalat. This Court had also directed the petitioner/appellant to take private notice to the respondents 1 to 4. As the execution petition is filed for attachment, the petitioner/appellant had filed the extension petition for depositing the amount.

4. Considering the circumstances, time granted already is extended and the petitioner/appellant is directed to deposit the entire amount with accrued interest and costs to the credit of M.C.O.P.No.41 of 2013 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate, Nagercoil, within a period of four weeks from the date of receipt of a copy of this order, on



condition that the same may be moved to any one of the Nationalised Banks, to an interest bearing deposit till the disposal of the Civil Miscellaneous Appeal. No further extension of time will be granted.

5. This petition is ordered accordingly.

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sd/-
01/11/2018

/ TRUE COPY /

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

TO

THE MOTOR ACCIDENT CLAIM TRIBUNAL
AND CHIEF JUDICIAL MAGISTRATE,
NAGERCOIL.

+1. C.C. to M/S.J.ALAGURAM JOTHI Advocate SR.No. 20891

ORDER
IN
CMP(MD) No.10935 of 2018
IN
CMA(MD) No.437 of 2018
Date :01/11/2018

JM/MMS/SAR 1/15.11.2018/3P/3C