



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

Tuesday, the Eighteenth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH
and
The Hon`ble Mr Justice B.PUGALENDHI

CMP(MD) No.11251 of 2018

IN

CMA(MD) No.249 of 2018

RAJA RAJESWARI

... PETITIONER/1st RESPONDENT

Vs

1 THE COMMANDANT,
TAMIL NADU SPECIAL POLICE, IX BATTALION,
MANIMUTHUAR, TIRUNELVELI,
TIRUNELVELI DISTRICT.

2 THE DISTRICT COLLECTOR,
OFFICE AT KOKKIRAKULAM,
TIRUNELVELI.

... RESPONDENTS 1 & 2/APPELLANTS 1 & 2

3 SUBRAMANIAN

... 3rd RESPONDENTS/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 balance award amount with accrued interest and cost deposited to the credit of M.C.O.P. No. 215 of 2013 on the file of the Motor Accident Claims Tribunal, (IV Additional District Judge) Tirunelveli, pending disposal of the above C.M.A.(MD) No. 249 of 2018.

Prayer in CMA(MD). 249/ 2018 :

To set aside the fair and decreetal award passed by the Motor Accidents Claims Tribunal, Madurai, and made in M.C.O.P.No.215 of 2013 dated 22.12.2017 on the file of the Motor Accidents Claims Tribunal, IV Additional District Judge, Tirunelveli.

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.T.SELVAKUMARAN, Advocate for the petitioner, the court made the following order:-



[Order of the Court was made by **R.SUBBIAH, J**]

This petition has been filed to withdraw the balance award amount with accrued interest and cost to the credit of M.C.O.P.No.215 of 2013 on the file of the Motor Accident Claims Tribunal, (IV Additional District Judge), Tirunelveli.

2.When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that already the respondents deposited the entire award amount before the Tribunal.

3.In view of the above, the petitioner and the third respondent are permitted to withdraw 50% of the award amount from their respective shares with proportionate interest and cost, without filing any formal permission petition before the Tribunal. The Tribunal is directed to deposit the balance award amount in any one of the nationalized bank, initially for a period of one year and renewable thereafter, till the disposal of the appeal.

4.Post the appeal for hearing on 04.01.2019.

sd/-
18/12/2018

/ TRUE COPY /

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

TO

1 THE COMMANDANT,
TAMIL NADU SPECIAL POLICE,
IX BATTALION,
MANIMUTHUAR, TIRUNELVELI,
TIRUNELVELI DISTRICT.

2 THE DISTRICT COLLECTOR,
OFFICE AT KOKKIRAKULAM, TIRUNELVELI.

+1. C.C. to M/S.T.SELVAKUMARAN Advocate SR.No. 23502

ORDER
IN
CMP(MD) No.11251 of 2018
IN
CMA(MD) No.249 of 2018
Date :18/12/2018