



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CMP(MD) No.8329 of 2018
IN
CMA(MD) No.SR35315 of 2018

1 SHANMUGASUNDARANATHAN
2 MANOHARI
3 SENTHILNATHAN
4 RAJESWARAN

... PETITIONERS/APELLANTS

Vs

1 RAJESHKUMAR
2 THE MANAGER
THE NEW INDIA ASSURANCE COMPANY LTD.,
V.R.V.COMPLEX 1ST FLOOR,
BHAVANI MAIN ROAD, PERUNDURAI,
ERODE DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to exempt the petitioners from paying the court fee in the above Civil Miscellaneous Appeal for the present and pass such further order as this Honourable Court deem fit in the circumstances of the case and thus render justice.

PRAYER IN CMA(MD) No.SR35315 of 2018

To set aside the Fair order and Decreetal order in M.C.O.P.No.191 of 2012 dated 04.12.2017 on the file of the Subordinate Judge, Kulithalai.

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.POORNAM CHANDRAN for Mr.K.GOVINDARAJAN, Advocate for the petitioner, the court made the following order:-

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

This petition has been filed praying to exempt the petitioners/ claimants from paying the Court fee in the above Civil Miscellaneous Appeal for the present.



2. It is seen that the award is passed as early as on 04.12.2017. Tribunal awarded a sum of Rs.44,29,000/- as against the claim of Rs.2,50,00,000/-. Now, the claimants have preferred the present appeal for the disallowed portion of the claim and the Court fee comes to Rs.2,05,082/-.

3. We are of the view that it is always open to the petitioners / claimants to withdraw the award amount and pay the said Court fee. Hence, this petition to exempt the petitioners from paying the Court fee, is dismissed.

sd/-
09/10/2018

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE, KULITHALAI

+1. C.C. to Mr.K.GOVINDARAJAN Advocate SR.No.19399

ORDER
IN
CMP (MD) No.8329 of 2018
IN
CMA (MD) No.SR35315 of 2018
Date :09/10/2018

PK/MMS/SAR-2/24.10.2018 : 2P/3C