



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

Thursday, the Sixth day of December Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMP (MD) No.8929 of 2018

IN

CMA (MD) No.335 of 2018

1.BABY,

2 MINOR GIRISH KRITHIK DEEPAK,
S/o.(LATE) Saravanamuthu

3 CHINNU,

4 MURUGAYEE,

... 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 will be pleased to pass necessary orders by allowing this petition and thereby permit the petitioners to withdraw the 50% of the deposited amount together with proportionate interest and costs which was deposited by the 1st respondent in M.C.O.P. No. 32 of 2014 on the file of the Motor Accident Claims Tribunal, Sub-Court, Kulithalai.

Prayer in CMA(MD) . 335/ 2018 :

To set aside the judgment and decree passed by the Motor Accident Claims Tribunal Sub Court, Kulithalai in MCOP No.32 of 2014 dated 16.3.2016

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.SUNDRANAGARAJ, Advocate for the petitioner and of MR.D.SIVARAMAN on behalf of the Respondent, the court made the following order:-

C.M.A. (MD) No.335 of 2018 has been filed by the Transport Corporation questioning the award passed by the learned Subordinate Judge, Motor Accidents Claims Tribunal, Kulithalai, in MCOP.No.32 of



2014, dated 16.03.2016, vide which, a sum of Rs.23,19,300/- has been awarded as compensation.

2. This Court, in the said CMA, on 04.06.2018, has passed a conditional interim order, directing the Transport Corporation to deposit the entire award amount with accrued interest and costs to the credit of MCOP.No.32 of 2014, on the file of the Motor Accident Claims Tribunal, Sub-Court, Kulithalai, within a period of four weeks. Pursuant to this order, the Transport Corporation has deposited the entire award amount, with interest and costs.

3. Now, the claimants have filed C.M.P.(MD)No.8929 of 2018 seeking permission to withdraw 50% of the deposited amount, with proportionate interest and costs.

4. When the matter came up for hearing today, learned Counsel for the Transport Corporation submitted that admitted liability is Rs.10,00,000/- and they are not having any objections in permitting the claimants to withdraw the same.

5. In such a view of the matter, all the claimants, except the minor claimant, are permitted to withdraw 50% of their respective share with accrued interest and costs, from the admitted liability, being Rs.10,00,000/-, as per the apportionment of the Tribunal.

6. C.M.P.(MD)No.8929 of 2018 stands ordered accordingly. Registry is directed to post the main appeal after four weeks.

sd/-
06/12/2018

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

TO
THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KULITHALAI

+1. C.C. to Mr.N.SUNDRANAGARAJ Advocate SR.No.22969

ORDER
IN
CMP(MD) No.8929 of 2018
IN
CMA(MD) No.335 of 2018
Date :06/12/2018