

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR JUSTICE C. SARAVANAN

CMP No.19451 of 2018

in CMA.NO.2561/2018

THE NEW INDIA ASSURANCE CO LTD., [PETITIONER]
REP BY ITS AUTHORISED PERSON,
AT NO.12/1,KAMARAJ ROAD,
MAHALINGAPURAM POLLACHI

Vs

1 K.SIVAPRIYAN [RESPONDENTS]

2 MINOR K.S.SREE DHANU
S/O. K.SIVAPRIYAN,

REP BY FATHER NEXT FRIEND GUARDIAN, K.SIVAPRIYAN,
1 & 2 ARE RESIDING AT NO.BF 6 ROYAL
SHELTER APARTMENT NANJUNDAPURAM ROAD,
RAMANATHAPURAM, COIMBATORE

3 VINOTH

4 DHANALAKSHMI

NO RELIEF IS CLAIMED AGAINST 3RD & 4TH RESPONDENTS AND ARE GIVEN UP
IN THIS PETITION

Petition praying that in the circumstances stated therein and
in the affidavit filed therewith the High Court will be pleased to
order stay of all further proceedings in Pursuance to the judgement
and decree dt 19/02/2018 passe in MCOP No.31/2016 on the file of
the MACT IV Addl Dist Judge at Coimbatore (CMP.19451/2018) pending
disposal of the above CMA.2561/2018

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.M.KRISHNAMOORTHY, Advocate for the
petitioner and of MR.S.THANGAVEL, Advocate for the 1 & 2
respondents the court made the following order:-

(Order of the Court was made by M.M.SUNDRESH, J.)

The Tribunal has awarded a total compensation of Rs.49,94,195/- along with interest at 7.5% per annum, by apportioning it among the claimants viz., respondents 1 and 2 at Rs.9,94,195/- and Rs.40 lakhs respectively.

2.Learned counsel appearing for the petitioner submits that a sum of Rs.20,63,357/- has already been deposited to the credit of M.C.O.P.No.31 of 2016 on the file of Motor Accidents Claims Tribunal (IV Additional District Judge), Coimbatore.

3.There shall be an order of interim stay on condition that the petitioner deposits a further sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the credit of M.C.O.P.No.31 of 2016 on the file of Motor Accidents Claims Tribunal (IV Additional District Judge), Coimbatore within a period of four weeks from the date of receipt of a copy of this order.

4.On such deposit, the first claimant/first respondent is permitted to withdraw a lumpsum amount of Rs.5 lakhs. Insofar as the compensation amount payable to the minor second claimant/second respondent, the same shall be invested in a nationalised bank for a period of three years, which shall be renewed periodically till the minor attains majority. The first claimant is permitted to withdraw the interest on minor's deposit once in three months directly from the bank. This miscellaneous petition is disposed of accordingly.

-sd/-

20/02/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE IV ADDITIONAL DISTRICT
JUDGE, MOTOR ACCIDENTS CLAIMS TRIBUNAL,
COIMBATORE.

C.C. to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary charges

C.C. to MR.S.THANGAVEL, Advocate Sr.No.2622

Order
in
CMP.19451/2018
in CMA.2561/2018
Date :20/02/2019

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RRI 01/03/2019

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