



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

Wednesday, the Twentieth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM
and
The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.1226 of 2019

IN

CMA(MD) No.950 of 2018

YAZHMOZHI

... PETITIONER/ 1st RESPONDENT/
PETITIONER

Vs

1 M/S.THE ORIENTAL INSURANCE COMPANY LIMITED,
REP BY ITS DIVISIONAL MANAGER,
108, T.P.K.ROAD, OPP TO CRIME BRANCH,
MADURAI.

... FIRST RESPONDENT/ PETITIONER/
2nd RESPONDENT

2 MEENAKSHI
(2nd RESPONDENT REMAINED
EXPARTE BEFORE THE LOWER COURT)

...2nd RESPONDENT/ 2nd RESPONDENT/
1st 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 amount lying in deposit in M.C.O.P.No.838 of 2010, on the file of the Motor Accident Claims Tribunal cum V Additional District Judge, Madurai pending disposal of the above C.M.A

Prayer in CMA(MD) . 950/ 2018 :

To set aside the Decree and Judgment passed in MCOP No.848 of 2010, dated 30.11.2017, on the file of the MACT cum V Additional District Judge, Madurai.

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.G.BHAGAVATHSINGH, Advocate for the petitioner and of Mr.K.BHASKARAN, Advocate on behalf of the Respondents, the court made the following order:-

This petition has been filed seeking permission to withdraw the amount lying in deposit in M.C.O.P.No.838 of 2010 on the file of the Motor Accident Claims Tribunal cum V Additional District Judge, Madurai.



2.This a case of injury and the claimant was 21 years on the date of accident and her right wrist was amputated, due to the crush injury. The Tribunal has awarded a sum of Rs.99,15,416/- as compensation along with interest at 7.5%. Challenging the quantum of compensation, the Insurance Company has preferred this appeal.

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3.It is represented that to comply the conditional order of this Court, the Insurance Company has already deposited 50% of the award amount with interest, which comes to Rs.73 lakhs and odd.

4.The learned counsel for the petitioner would state that the claimant had already spent more than Rs.10 lakhs towards medical expenses and she needs some more amount for continuing treatment. It is also stated that the claimant is a College Student and she lost her future, due to the said unfortunate accident.

5.In view of the above, the petitioner/claimant is permitted to withdraw a sum of Rs.15,00,000/- (Rupees fifteen lakhs only) from the deposited amount lying in the credit of M.C.O.P.No.838 of 2010 on the file of the Motor Accident Claims Tribunal cum V Additional District Judge, Madurai. The balance amount shall be kept in the credit of M.C.O.P.No.838 of 2010 on the file of the Motor Accident Claims Tribunal cum V Additional District Judge, Madurai, till the final disposal of C.M.A.(MD).No.950 of 2018. Accordingly, this petition is allowed.

6.The Registry is directed to post the civil miscellaneous appeal on 22.03.2019.

sd/-
20/02/2019

/ TRUE COPY /

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

TO
THE V ADDITIONAL DISTRICT JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

+1. C.C. to MR.G.BHAGAVATHSINGH Advocate SR.No.3389

ORDER
IN
CMP(MD) No.1226 of 2019
IN
CMA(MD) No.950 of 2018
Date :20/02/2019