



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

Tuesday, the Fifth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP (MD) No.583 of 2019
IN
CMA (MD) No.312 of 2018

1.USHA
2.MINOR.GEEVIKA
(MINOR RESPONDENT. REP.
BY HER MOTHER GUARDIAN
AND NEXT FRIEND)

... PETITIONER/ RESPONDENT

Vs

1.THE GENERAL MANAGER,
M/S.TAMIL NADU STATE EXPRESS TRANSPORT
CORPORATION LTD., PALLAVAN SALAI,
ANNASALAI, CHENNAI.

...APPELLANT/RESPONDENT

2.P.SUNDARAM

3.THE BRANCH MANAGER
M/S.UNITED INDIA INSURANCE CO.LTD,
NO.2, BHUVANESWARI COMPLEX,
DR.SANKARAN ROAD,
NAMAKKAL DISTRICT.

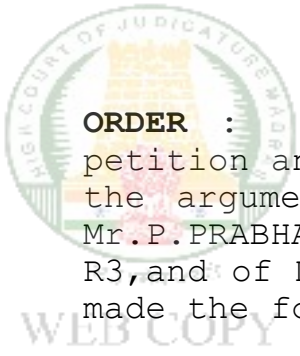
4.CHELLAPERUMAL
5.NATCHARAMMAL

... RESPONDENTS 3 TO 6/
RESPONDENTS

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 the 50% of the awarded amount with accrued interest of the 1st petitioner and entire accrued interest of the 2nd petitioner lying in the credit of MCOP No.90 of 2015 on the file of the Motor Accident Claims Tribunal/Principal District Court, Tiruchirapalli and thus render justice.

Prayer in CMA(MD) . 312/ 2018 :

To allow this appeal, setaside the Award and decree made in MCOP.No. 90 of 2015 dated 28/11/2016 on the file of the Motor Accident Claims Tribunal/Principal District Court, Trichy.



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.C.DEEPAK, Advocate for the petitioner and of Mr.P.PRABHAKARAN, Advocate for R1, and Mr.A.SHAJAHAN, Advocate for R3, and of Mr.K.P.NARAYANA KUMAR, Advocate for R4 and r5, the court made the following order:-

This petition is filed by the claimants for permitting them to withdraw 50% of the award amount with accrued interest of the first petitioner and the entire accrued interest of the second petitioner lying in the credit of M.C.O.P.No.90 of 2015 on the file of the Motor Accidents Claims Tribunal / Principal District Court, Tiruchirapalli.

2.The first respondent herein has contended that he has preferred this appeal questioning the liability and also the quantum. Whereas, the petitioners stated that appeal has been filed questioning the liability itself.

3.Considering the date of accident and also the date of award, the claimants who are already suffering on the prolonged proceedings and considering the representation made by both sides, this petition is allowed and the first petitioner is permitted to withdraw the 50% of the award amount with accrued interest which is lying in the credit of M.C.O.P.No.90 of 2015 on the file of the Motor Accidents Claims Tribunal / Principal District Court, Tiruchirapalli and the first respondent, who is the mother and guardian of the second petitioner is also permitted to withdraw the entire accrued interest in respect minor claimant.

4.The petitioners 3 and 4 who are the father and mother of the deceased. Though they have not filed any application for withdrawal of the amount, considering the pendency of the proceedings and also the representation made by both sides, they are also permitted to withdraw 50% of the award amount with accrued interest.

5.Post the main appeal on 19.02.2019.

sd/-
05/02/2019

/ TRUE COPY /

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



TO

THE PRINCIPAL DISTRICT JUDGE
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TIRUCHIRAPALLI.

WEB COPY

+1. C.C. to Mr.C.DEEPAK Advocate SR.No.2443

+1. C.C. to Mr.K.P.NARAYANA KUMAR Advocate SR.No.2429

ORDER

IN

CMP (MD) No.583 of 2019

IN

CMA (MD) No.312 of 2018

Date :05/02/2019

TK/PN/SAR-2/08.02.2019/3P/4C