



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Twenty First day of August Two Thousand Nineteen

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PRESENT

The Hon'ble Mr. Justice K. RAVICHANDRABAABU

and

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

CMP(MD) No.1364 of 2019

IN

CMA(MD) No.779 of 2018

AROCKIA VALANARASU

... PETITIONER/1st RESPONDENT

Vs

1 IFFCO - TOKIO GENERAL INSURANCE COMPANY LIMITED,
NO.28, (OLD NO.195),
1ST AND 2ND NORTH USMAN ROAD,
T.NAGAR, CHENNAI 600 017.

2 SOUTH INDIA CORPORATION LIMITED,
ANNASALAI, GUNDI,
CHENNAI 600 032.

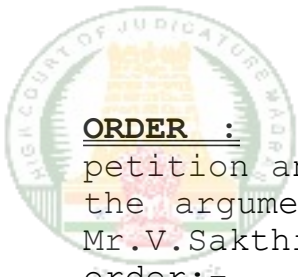
3 THE SUPERINTENDENT OF POLICE,
RAMANATHAPURAM.

... RESPONDENTS 2 AND 3/ RESPONDENTS 2 AND 3

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stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdrawn the 50% of the award amount deposited in teh credit of M.C.O.P.No.96 of 2010 on the file of the Motor Accidents Claim Tribunal Cum Additional District Judge/Sub ordinate Judge, Devakottai and pass such further or other orders as this Honble Court may deem fit and proper in the above circumstances and thus render justice.

PRAYER IN CMA(MD) No.779 of 2018:

Pleased to set aside the judgment and decree dated 24.10.2017 passed in M.C.O.P.No.96 of 2010 on the file of the Motor Accidents Claims Tribunal/Subordinate Judge of Devakottai by allowing this Appeal.



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.KANNAN, Advocate for the petitioner and of Mr.V.Sakthivel, Advocate for R1, the court made the following order:-

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(Order of the Court was made by **K.RAVICHANDRABAABU.,J**)

This appeal is filed challenging the quantum.

2.The contention of the Insurance Company is that the Tribunal below is not justified in taking 80% as loss of income to arrive at the quantum of compensation. It is also contended that towards the medical bill, a sum of Rs.13,88,413/- was awarded, out of which, Rs.10,00,000/- towards physiotherapy alone. Therefore, it is contended that the quantum of compensation awarded by the Tribunal below is required to be reconsidered.

3.The above contentions of the appellant have to be considered and decided, while hearing the main appeal. However, considering the fact that the appellant has deposited the entire award amount with accrued interest, we are of the view that the petitioner/claimant may be permitted to withdraw 35% of the amount so deposited with accrued interest without prejudice to the contention of the either parties. Accordingly, this civil miscellaneous petition is ordered permitting the petitioner to withdraw 35% of the amount deposited.

sd/-
21/08/2019

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

TO
The Additional District Judge/
Sub ordinate Judge,
Motor Accidents Claim Tribunal, Devakottai

+1 CC to M/s.V.SAKTHIVEL, Advocate (SR-13864[I] dated 21/08/2019)
+1 CC to M/s.M.KANNAN, Advocate (SR-13947[I] dated 22/08/2019)

ORDER
IN
CMP(MD) No.1364 of 2019
IN
CMA(MD) No.779 of 2018
Date :21/08/2019