



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

Thursday, the Twelfth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice R.THARANI

CMP (MD) No.1473, 2851 & 2852 of 2019
IN
CMA (MD) No.925 to 927 of 2018

1 M.AMUTHA
2 MINOR M.JEGAN
(Minor petitioner rep by his
mother M.Amutha, 1st petitioner herein)

3 A.RENGAMMAL
4 M.ANDIYAPPAN ... PETITIONERS IN CMP (MD) No.1473/2019

1. S.RASAMMAL,
2. M.SUBRAMANI,
3. MINOR S.SUDAHAR.
(REP. BY HER MOTHER S.RASAMMAL) ... PETITIONERS IN CMP (MD).2851/19

1.S.JOTHIMANI,
2.MINOR S.PRATHIKSHA,
(REP BY HER MOTHER S.JOTHIMANI)

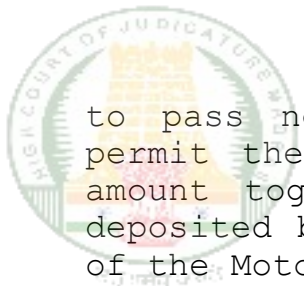
3.S.RASAMMAL,
4.M.SUBRAMANI,
5.MINOR S.SUDAKAR.
(REP BY HER MOTHER S.RASAMMAL) ... PETITIONERS IN CMP (MD).2852/19

Vs

1 THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO.LTD.,
DIVISIONAL OFFICE, 5A, SUB COLLECTOR'S OFFICE ROAD,
OPP. DISTRICT COURT, DINDIGUL.
... 1ST RESPONDENT IN ALL THE PETITIONS

2 A.NALLUSAMY ... 2ND RESPONDENT IN ALL THE PETITIONS

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 th 50% of the Tribunal award amount together with proportionate interest and costs which was deposited by the 1st respondent in MCOP no.282 of 2013 on the file of the Moto Accident Claims Tribunal/Sub Court, Kulithalai.

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Prayer in CMP(MD). 2851/ 2019 :

Pleased to permit the petitioners to withdraw the 50% of amount deposited by the respondent pursuant to the award made in MCOP No.317 of 2013 dated 04.08.2016 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Kulithalai.

Prayer in CMP(MD). 2852/ 2019 :

Pleased to permit the petitioners to withdraw the 50% amount deposited by the respondent pursuant to the Award made in MCOP.No.316 of 2013 dated 04.08.2016 on the file of the MACT (Sub Judge), Kulithalai pending disposal of the above CMA(MD) No.925 to 927 of 2018.

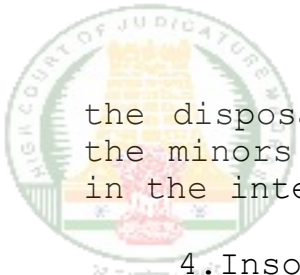
ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.N.SUDHAGAR NAGARAJ, Advocate for the petitioner in CMP(MD) No.1473 of 2019 and of MR.V.KANNAN, Advocate for the Petitioner in CMP(MD).2851 & 2852 of 2019 and of MR.S.SRINIVASA RAGHAVAN, Advocate on behalf of the 1st Respondent in all the petitions the court made the following order:-

(Order of the Court was made by T.S.SIVAGNANAM)

These appeals filed by the Insurance Company challenging the award passed by the Motor Accident Claims Tribunal/Sub-Court, Kulithalai in M.C.O.P.No.282 of 2013. In terms of the directions issued by this Court on 26.11.2018, the appellant/Insurance Company has deposited the entire award amount to the credit of these appeals before the Indian Bank, Madurai Bench of Madras High Court, Madura.

2.Insofar as the Civil Miscellaneous Petition in **C.M.P. (MD) . No.1473 of 2019 in C.M.A. (MD).No.925 of 2018** is concerned, the petitioners/claimants 1, 3 and 4 are entitled to withdraw 50% of the deposited amount together with accrued interest and the remaining amount shall be retained in a interest bearing deposit, till the disposal of the appeal. The entire share payable to the second repondent/minor shall be retained in the interest bearing account, till the disposal of the appeal.

3.Insofar as the civil miscellaneous petition in **C.M.P. (MD) . No.2852 of 2019 in C.M.A. (MD).No.926 of 2018** is concerned, the claimants/respondents 1, 3 and 4 are permitted to withdraw 50% of the deposited amount together with accrued interest and the remaining amount shall be retained in interest bearing deposit, till



the disposal of the appeal. So far as the compensation payable to the minors viz., petitioners 4 and 5 and the same shall be retained in the interest bearing account, till the disposal of the appeal.

4.Insofar as the civil miscellaneous petition in **C.M.P(MD) . No.2851 of 2019 in C.M.A(MD).No.927 of 2018** is concerned, the petitioners/claimants 1 and 2 are entitled to withdraw 50% of the deposited amount together with accrued interest and the remaining amount shall be retained in the interest bearing deposit, till the disposal of the appeal. The entire share payable to the third petitioner/minor shall be retained in the interest bearing account, till the disposal of the appeal.

5.With the above direction, these Civil Miscellaneous Petitions are ordered.

sd/-
12/09/2019

/ TRUE COPY /

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

TO

1 THE SUB JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KULITHALAI.

+1. C.C. to M/S.N.SUDHAGAR NAGARAJ Advocate SR.No.15284
+2CC TO MR.V.KANNAN, Advocate Sr. No. 15391, 15392

ORDER IN
CMP(MD) No.1473, 2851 & 2852 of 2019
IN CMA(MD) No.925 to 927 of 2018
Date :12/09/2019

TR/PN/SAR-II (25.09.2019) 3P 5C