



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Wednesday, the Thirty First day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice K.RAVICHANDRABAABU
and
The Hon`ble Mr Justice SENTHILKUMAR RAMAMOORTHY

CMP(MD) No.2697 of 2019
IN
CMA(MD) No.829 of 2018

1 C.DEVADOSS
2 D.VIJAYA ... PETITIONERS/RESPONDENTS 1 & 2

Vs

1 THE ORIENTAL INSURANCE CO LTD
MADURAI THROUGH THE MANAGER,
OFFICE AT HUB, K.J.R.COMPLEX,
1ST FLOOR, 16, NORTH VELI ST,
MADURAI 625 001. ... 1ST RESPONDENT/APELLANT
2 M.PARAMESWARAN ... 3RD RESPONDENT/4TH RESPONDENT
3 D.SAMUEL ... 2ND RESPONDENT/3RD RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitoners to withdraw 50% of the entire award amount deposited to the credit of MCOP.No.971 of 2014 on the file of the MACT, (IV Additional District Judge) Madurai, pending disposal of the above CMP.

PRAYER IN CMA(MD) No.829 of 2018

To set aside the Decree and Judgment made in M.C.O.P.No.971 of 2014, dated 28.03.2018 on the file of IV 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 M/S.T.SELVAKUMARAN, Advocate for the petitioner and of Mr.K.Bhaskaran, Advocate on behalf of the 1st Respondent and No

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Appearance for Respondents 2 and 3 either in person or by Advocate, the court made the following order:-

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

This civil miscellaneous petition is filed seeking for permission to withdraw 50% of the entire award amount deposited to the credit of MCOP.No.971 of 2014, pending disposal of the above CMP.

2.The petitioners are the claimants. While entertaining this appeal, this Court, by an order dated 26.09.2018, granted interim stay on condition that the appellant Insurance Company deposits the entire award amount with accrued interest to the credit of MCOP No.971 of 2014. It is further ordered therein that on such deposit, the Tribunal shall transfer the said amount to the credit of the present CMA before the Indian Bank, Madurai Bench of Madras High Court, Madurai.

3.It is submitted by the learned counsel for the Insurance Company that the conditional order passed by this Court has been complied with already. Now, the present miscellaneous petition is filed by the claimants seeking for withdrawal of the 50% of the amount so deposited.

4.Considering the above-stated facts and circumstances and further considering the fact that the present appeal is filed disputing the quantum alone, we are inclined to permit the petitioners to withdraw 50% of the amount so deposited, in pursuant to the order passed by this Court as stated supra, in proportion to the share awarded by the Court below.

sd/-
31/07/2019

/ TRUE COPY /

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

TO

THE IV ADDITIONAL DISTRICT JUDGE,
MACT, MADURAI



Copy to:

The Branch Manager,
Indian Bank,
High Court Branch,
Madurai Bench of Madras High Court,
Madurai.

+1. C.C. to M/S.T.SELVAKUMARAN Advocate SR.No.12668
+1. C.C. to M/S.K.BHASKARAN Advocate SR.No.12705

ORDER
IN
CMP (MD) No.2697 of 2019
IN
CMA (MD) No.829 of 2018
Date :31/07/2019

SKN

JMN/PN/SAR-1/08.08.2019/3P-5C