



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

Thursday, the Eighth day of August Two Thousand Nineteen

WEB COPY

PRESENT

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

CMP(MD) No.5618 of 2019

IN

CMA(MD) No.198 of 2019

1 P.R.DAVID MANI @ SUBRAMANIAN,  
2 S.PUSHPAM,  
3 R.SHANTHI,  
4 MINOR.R.ABINAYA,  
5 MINOR.R.SIVABALAN,

(MINOR RESPONDENTS 4 AND 5 ARE REPRESENTED  
BY MOTHER AND GUARDIAN THIRD PETITIONER  
R.SHANTHI)

... PETITIONERS/RESPONDENTS 1 TO 5

Vs

1 THE RELIANCE GENERAL INSURANCE, COMPNAY LIMITED.,  
THROUGH ITS BRANCH MANAGER SRI MEENAKSHI PLAZA,  
1ST FLOOR,PLOT NO HIG55, 80 FEET ROAD,  
ANNA NAGAR, MADURAI-625 020. ...1ST RESPONDENT/APPELLANT

2 M.A.AROKIA RAHUL, ... 2ND RESPONDENT/SIXTH RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners 1 and 2/respondents 1 and 2 to withdraw 50% of their share of the compensation amount with accrued interest and to permit the 3rd petitioner/3rd respondent to withdraw 25% of her share of the compensation amount with accrued interest deposited by the 1st respondent/appellant to the credit of the claim petition in M.C.O.P.No.1809/2015 on the file of MACT(V Additional District Court),Madurai, pending disposal of the CMA(MD)No.198 of 2019 and thus render justice.

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.J.BARATHAN, Advocate for the petitioner and of



MR.S.SRINIVASA RAGHAVAN for R1 whil admitting the CMA(MD)No.198 of 2019 the court made the following order:-

**[Order of the Court was made by K.RAVICHANDRABAABU, J.]**

This Miscellaneous Petition is filed seeking permission to withdraw 50% of the amount deposited before the Tribunal below.

2.It is seen that while entertaining the above appeal this Court granted interim order of stay subject to condition that the appellant deposits 50% of the award amount along with proportionate accrued interest to the credit of M.C.O.P.No.1809 of 2015 on the file of the Motor Accident Claims Tribunal (V Additional District Court), Madurai, it is stated that the said conditional order has been complied with.

3.Considering the fact that the above appeal is filed disputing the quantum as well as on the ground of contributory negligence, we are inclined to allow the petitioners 1 and 2 alone viz., the father and mother of the deceased to withdraw 50% of the amount in proportion to their share awarded by the Tribunal below, out of the amount so deposited by the Insurance Company, in pursuant to the order passed by this Court on 01.04.2019.

sd/-  
08/08/2019

/ TRUE COPY /

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

TO  
THE VTH ADDITIONAL DISTRICT JUDGE  
MOTOR ACCIDENT CLAIMS TRIBUNAL  
MADURAI

+1. C.C. to M/S.T.R.JEYAPALAM Advocate SR.No.13304  
+1CC TO MR.S.SRINIVASA RAGHAVAN ADVOCATE SR 13353

ORDER  
IN  
CMP(MD) No.5618 of 2019  
IN  
CMA(MD) No.198 of 2019  
Date :08/08/2019