



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

Monday, the Eleventh day of February Two Thousand Nineteen
PRESENT

The Hon`ble Mrs.Justice S.RAMATHILAGAM

CMP(MD) No.12248 of 2018

IN

CMA(MD) No.567 of 2018

1 R.SARASWATHI

2 RAJAVEL

3 RANI

4 MALARKODI

... PETITIONERS/RESPONDENTS 1 TO 4/
PETITIONERS

Vs

1 UNITED INDIA INSURANCE CO.LTD,
KAMALAM COMPLEX,1ST FLOOR,
NO.35-C.1, KUMBAKONAM ROAD,
JEYAMKONDAM, ARIYALUR.

... 1st RESPONDENT/APPELLANT/
2nd RESPONDENT

2 K.ELANGO VAN

... 2nd RESPONDENT/5th RESPONDENT/
1st RESPONDENT

(THE 2nd RESPONDENT REMAINED EX-
PARTE BEFORE THE LOWER COURT. HENCE
NOTICE TO THE 2nd RESPONDENT IS NOT
NECESSARY)

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 the 50% of the Tribunal award amount together with proportionate interest and costs which was deposited by the 1st respondent in M.C.O.P.No.274 of 2015 on the file of the Motor Accident Claims Tribunal / Sub Court, Kulithalai.

Prayer in CMA(MD). 567/ 2018 :

To set aside the judgment and decree dated 3.10.2016 passed in MACOP No.274 of 2015 on the file of the Honourable Motor Accidents Claims Tribunal (Sub Court) Kulithalai and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of this case and 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 MR.N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of MR.G.PRABHU RAJADURAI, Advocate for R1, the court made the following order:-



This petition is filed by the claimants for permitting them to withdraw 50% of the Tribunal award amount together with proportionate interest and costs which was deposited by the first respondent in M.C.O.P.No.274 of 2015 on the file of the Motor Accident Claims Tribunal/Sub Court, Kulithalai.

2.Considering the date of accident and also the date of award, the petitioners/claimants who are already suffering on the prolonged proceedings, this petition is allowed and the petitioners are permitted to withdraw the 50% of the award amount together with proportionate interest and costs as apportioned by the Tribunal, which was deposited by the first respondent in M.C.O.P.No.274 of 2015 on the file of the Motor Accident Claims Tribunal/Sub Court, Kulithalai.

3.Accordingly, this Civil Miscellaneous Petition is allowed.

sd/-
11/02/2019

/ TRUE COPY /

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

TO

THE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL / SUB-COURT,
KULITHALAI.

+1. C.C. to M/S.N.SUDHAGAR NAGARAJ Advocate SR.No.2888

ORDER
IN
CMP(MD) No.12248 of 2018
IN
CMA(MD) No.567 of 2018
Date :11/02/2019

JM/PN/SAR 2/14.02.2019/2P/3C