



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

WEB COPY

PRESENT

**The Hon`ble Mrs.Justice J.NISHA BANU**

CMP(MD) No.12282 of 2018

IN

CMA(MD) No.223 of 2018

1 SHANMUGATHAI  
2 MADASAMY  
3 CHELLATHAI

... RESPONDENTS 1 TO 3/  
PETITIONERS

Vs

1 THE DIVISIONAL MANAGER  
UNITED INDIA INSURANCE COMPANY LTD.,  
TENKASI.

... APPELLANT/ 1<sup>st</sup> RESPONDENT

2 MURUGESAN

... 4<sup>th</sup> RESPONDENT/ 2<sup>nd</sup> RESPONDENT

3 THIRUMALAIKUMAR  
(R2 & R3 IN THIS PETITION SET EXPARTE  
3RD RES IN LOWER COURT)

... 5<sup>th</sup> RESPONDENT/ 3<sup>rd</sup> RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to withdraw the admitted liability amount from the amount deposited into the credit of MCOP.No.26 of 2017 on the file of the Motor Accidents Claims Tribunal, Additional District Court, Tenkasi pending disposal of the above CMA(MD).No.223 of 2018 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 Mr.N.SANKAR GANESH, Advocate for the petitioners and of Mr.J.S.MURALI, Advocate for R1, the court made the following order:-

This petition has been filed by the petitioners/claimants seeking permission of this Court to withdraw the admitted liability amount from the already deposited amount, lying in the credit of M.C.O.P.No.26 of 2017, on the file of the Motor Accidents Claims Tribunal, Additional District Court, Tenkasi, pending disposal of the above Civil Miscellaneous Appeal.



2.Heard the learned counsel appearing for the first respondent Insurance Company, who has not raised any objection for the petitioners to withdraw Rs.10,00,000/- which has already been deposited.

3.In view of the same, the petitioners are permitted to withdraw the admitted liability of Rs.10,00,000/- (Rupees Ten lakhs only) which has already been deposited, into the credit of M.C.O.P.No.26 of 2017, on the file of the Motor Accidents Claims Tribunal, Additional District Court, Tenkasi, with interests and costs.

4.This petition is ordered accordingly.

sd/-  
30/01/2019

/ TRUE COPY /

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

TO  
THE ADDITIONAL DISTRICT JUDGE,  
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,  
TENKASI.

+1. C.C. to Mr.N.SANKAR GANESH Advocate SR.No.1764

ORDER  
IN  
CMP (MD) No.12282 of 2018  
IN  
CMA (MD) No.223 of 2018  
Date :30/01/2019

**MS/JC/SAR-2/08.02.2019/2P.3C**