



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

Monday, the Twenty Sixth day of August Two Thousand Nineteen

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PRESENT

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

CMP(MD) No.6711 of 2019
IN
CMA(MD) No.406 of 2018

1.T.SELVARANI

2.MINOR.MONISH KUMAR

3.MINOR DINESH KUMAR

(2ND AND 3RD PETITIONERS REPRESENTED
THROUGH THEIR MORTHER, NATURAL GUARDIAN/
1ST PETITIONER)

4.V.THANJARAJ

5.T.MAMASI

... PETITIONERS/RESPONDENTS
Nos.1 to 5/CLAIMANTS

Vs

1.UNITED INDIA INSURANCE COMPANY LTD.,
REP BY ITS BRANCH MANAGER,
506 X, 2ND GROUND FLOOR, KANDAN COMPLEX,
OPPOSITE TO BUS STAND, VALLIYOOR,
TIRUNELVELI DISTRICT.

...1ST RESPONDENT/APPELLANT/
2ND RESPONDENT

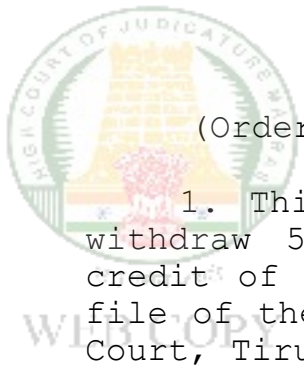
2.R.SHINU

... 2ND RESPONDENT/6TH RESPONDENT/
2ND RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Permit the petitioner herein to withdraw the 50% of the award amount and interest deposited to the credit of the M.C.O.P. No.65 of 2015 order dated 13.2.2018 on the file of the Motor Accident Claims Tribunal/III Additional District Court, Tirunelveli.

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.I.PINAYGASH, Advocate for the petitioners and of Mr.N.DILIPKUMAR, Advocate for R1 and Mr.M.P.SENTHIL, Advocate for R2, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>



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

1. This miscellaneous petition is filed seeking permission to withdraw 50% of the award amount and interest deposited to the credit of the M.C.O.P.No.65 of 2015 order dated 13.02.2018 on the file of the Motor Accident Claims Tribunal, III Additional District Court, Tirunelveli.

2. The Petitioners are the claimants. The present appeal is filed by the Insurance Company challenging the award made by the Tribunal below. While entertaining the appeal, this Court by an interim order of stay dated 22.06.2018, imposed a condition that the Insurance Company deposits the entire award amount with accrued interest within a period of four(04) weeks to the credit of the Tribunal below. It is stated that the said condition order has been complied with.

3. Considering the fact that the merits of the appeal has to be considered and decided at the time of final hearing and since the present application is filed seeking withdrawal of 50% of the award amount and further considering the fact that, there are two minor children of the deceased arrayed as claimants, this Court is of the view that the interest of the parties will be protected, if the following interim order is passed:

" The petitioners 1, 4 & 5 alone are permitted to withdraw 50% of the amount, in proportion to the share awarded by the Tribunal below, out of the amount deposited before the Tribunal below with proportionate accrued interest ".

sd/-
26/08/2019

/ TRUE COPY /

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

TO

THE III ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUNELVELI.

+1. C.C. to Mr.I.PINAYGASH Advocate SR.No.83401
+1. C.C. to Mr.N.DILIPKUMAR Advocate SR.No.14093

ORDER IN
CMP(MD) No.6711 of 2019 IN
CMA(MD) No.406 of 2018
Date :26/08/2019

TK/VR/SAR.3/28.08.2019/2P/4C