



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

Thursday, the Eighth day of August Two Thousand Nineteen

PRESENT

WEB COPY

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

CMP(MD) Nos.7015 and 7016 of 2019
in
CMA(MD)No.347 of 2019

1 SRIVIDYA
2 LAKSHMI

... PETITIONERS/RESPONDENTS 1 & 2 IN
BOTH THE PETITIONS.

Vs

1 THE BRANCH MANAGER
TATA AIG GENERAL INSURANCE COMPANY LTD.,
CHENNAI ...1ST RESPONDENT/APPELLANT IN BOTH THE PETITIONS

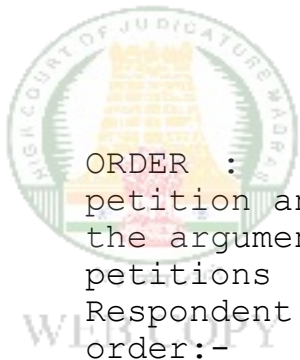
2 M/S.LEEL ENTERPRISES,
REP BY ITS PROPRIETOR, NO.56, GOKHALE STREET,
RAM NAGAR, COIMBATORE - 641 009
... RESPONDENT/3RD RESPONDENT IN BOTH THE PETITIONS

Prayer in CMP(MD) Nos.7015 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw the entire amount of the deposited amount with proportionate interest in respect of the petitioners from the credit of M.C.O.P No.325 of 2014 on the file of the Motor Car Accident Claims Tribunal, Kulithalai on 18.12.2018 pending disposal of the CMA(MD)No.347 of 2019 on the file of this Honourable Court.

Prayer in CMP(MD) Nos.7016 of 2019:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw the entire amount of the deposited amount with proportionate interest in respect of the petitioners from the credit of M.C.O.P No.325 of 2014 on the file of Motor Car Accident Claims Tribunal, Kulithalai on 18.12.2018 pending disposal of C.M.A(MD)347 of 2019.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of S,JAYAVEL, Advocate for the petitioners in both the petitions and of Mr.B.Vijay Karthikeyan, Advocate for the 1st Respondent in both the petitions, the court made the following order:-

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

These Miscellaneous Petitions are filed by the respective claimants seeking permission to withdraw the entire amount deposited with proportionate interest in respect of the deposit made to the credit of M.C.O.P.No.325 of 2014 on the file of the Motor Car Accident Claims Tribunal Kulithalai.

2.Heard both sides and perused the materials placed before us.

3.While entertaining the above Civil Miscellaneous Appeal arising out of the Motor Accident claim case, this Court granted an interim order of stay on 29.04.2019 subject to condition that the appellant deposits 50% of the award amount with accrued interest. It is now stated that the 50% of the award amount with accrued interest has already been deposited to the credit of M.C.O.P.No.325 of 2014 on the file of the Motor Car Accident Claims Tribunal Kulithalai. It is also stated that the above appeal is filed disputing the quantum alone.

5.Considering the fact that the above appeal is filed disputing the quantum alone and further considering the fact that this Court has only ordered to deposit 50% of the award amount, we are inclined to permit the petitioners herein to withdraw 50% of the amount so deposited in proportion to their share awarded by the Tribunal below.

sd/-

08/08/2019

/ TRUE COPY /

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

TO
THE JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL, KULITHALAI.

ORDER IN
CMP(MD) Nos.7015 & 7016 of 2019 IN
CMA(MD) No.347 of 2019
Date :08/08/2019

AM/PN/SAR-3/19.08.2019/2P-2C