



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

Tuesday, the Seventeenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

**CMP(MD) No.7474 of 2019 and 10887 of 2018
IN
CMA(MD) No.1044 of 2018**

CMP(MD) No.7474 of 2019:

- 1 PALANIVEL
- 2 UMADEVI
- 3 SOWBACKIA

... PETITIONERS/RESPONDENTS 1 to 3

Vs

- 1 THE NEW INDIA ASSURANCE COMPANY LIMITED,
REP.BY ITS BRANCH MANAGER,
DOOR NO.452, PERIYAKULAM ROAD,
NEAR ARUN MOTORS, THENI TALUK,
THENI DISTRICT. ... RESPONDENT/APELLANT

- 2 THE PROPRIETOR
FATHIMA BUS COMPOUND,
NO.15-1-34/2, CUMBUM ROAD,
THENI TALUK, THENI DISTRICT.

- 3 SARAVANAN @ SARAVANAKUMAR

- 4 BAJAJ ALLIANZ INSURANCE COMPANY LTD.,
REP. BY ITS BRANCH MANAGER,
DOOR NO.184/25, KPS, SHOPPING ARCADE,
1ST FLOOR, NEAR HOTEL GOWRIKRISHNA,
BY-PASS ROAD, MADURAI-625 010. ... RESPONDENTS/

RESPONDENTS 4 to 6

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw 50 percentage of the award amount deposited in the credit of MCOP No.108 of 2016 before the Motor Accident Claims Tribunal (Additional District and Sessions Court), Theni at Periyakulam pending disposal of the main CMP.



CMP(MD) No.10887 of 2018:

THE NEW INDIA ASSURANCE COMPANY LIMITED,
REPRESENTED BY ITS BRANCH MANAGER,
DOOR NO.452, PERIYAKULAM ROAD,
NEAR ARUN MOTORS, THENI TALUK,
THENI DISTRICT.

... PETITIONER/APPELLANT

Vs

1 PALANIVEL

2 UMADEVI

3 SOWBACKIA

4 THE PROPRIETOR,
FATHIMA BUS COMPOUND,
NO.15-1-34/2, CUMBUM ROAD,
THENI TALUK, THENI DISTRICT.

5 SARAVANAN @ SARAVANAKUMAR

6 BAJAJ ALLIANZ INSURANCECOMPANY LIMITED.
REPRESENTED BY ITS BRANCH MANAGER,
DOOR NO. 184/25, KPS SHOPPING ARCADE,
1ST FLOOR, NEAR HOTEL GOWRIKRISHNA,
BYPASS ROAD,
MADURAI DISTRICT-625 010.

... RESPONDENTS/RESPONDENTS

(R4 & R5 set exparte in Tribunal & R6 is
not a necessary party for adjudication:
Notice dispensed with)

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant interim stay of all further proceedings pursuant to the order made in M.C.O.P. No. 108 of 2016 dated 04.04.2018 on the file of the Motor Accidents Claims Tribunal, Additional District and Sessions Court, Theni at Periyakulam, pending disposal of the appeal and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

ORDER :These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.P.GOKULNATH, Advocate for the petitioner in CMP(MD)No.7474/2019 and the 1st Respondent in CMP(MD) No.10887/2018 AND MR.J.S.MURALI, Advocate for the Petitioner in CMP



(MD)No.10887/2018 the 1st Respondent in CMP(MD)No.7474/2019 the court made the following order:-

This petition is filed to withdraw 50% of the award amount deposited in M.C.O.P.No.108 of 2016 before the Motor Accident Claims Tribunal (Additional District and Sessions Court), Theni at Periyakulam pending disposal of the appeal.

2.The learned counsel for the respondent / Insurance Company has no objection for withdrawing 50% of the award amount deposited before the Tribunal.

3.Accordingly, the petitioners are permitted to withdraw 50% of the award amount deposited before the Tribunal along with interest. This petition is ordered accordingly. Interim stay already granted is made absolute.

sd/-
17/09/2019

/ TRUE COPY /

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

TO

THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
THENI AT PERIYAKULAM.

+1. C.C. to M/S.R.RAJAMOHAN, Advocate SR.No.15580

ORDER
IN
CMP(MD) No.7474 of 2019 and
10887 of 2018
IN
CMA(MD) No.1044 of 2018
Date :17/09/2019

NBJ
PK/JC/SAR-4/25.09.2019 : 3P/3C