



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

Monday, the Sixteenth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

CMP(MD) No.7978 of 2019

IN

CRP(MD) No.1982 of 2018

1 K.THEIVANAI

2 MINOR.K.ANANDHA KALA

(REPRESENTED BY 1ST PETITIONER
MOTHER & NATURAL GUARDIAN.)

3 MINOR.K.HARIBALAN

(REPRESENTED BY 1ST PETITIONER
MOTHER NATURAL GUARDIAN)

... PETITIONERS/RESPONDENTS

Vs

THE BRANCH MANAGER
THE NEW INDIA ASSURANCE COMPANY LTD,
TENKASI ROAD, RAJAPALAYAM TOWN,
VIRUDHJNAGAR DISTRICT.

... RESPONDENT/PETITIONER

Prayer in CMP(MD).7978/2019 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Vacate stay passed by this Honourable Court in CMP(MD). No.8736 of 2018 in CRP No.1982 of 2018

Prayer in CMP(MD).8736/2018 :

To stay of all further proceedings in E.P.No.20 of 2016 in M.C.O.P.No.118 of 2012 on the file of the Learned Subordinate Judge, Srivilliputhur pending disposal of the main revision petition and thus render justice.

Prayer in CRP(MD).1982/2018 :

To allow this Civil Revision Petition and set aside the order passed by the Learned Subordinate Judge, Srivilliputhur in E.P.No.20 of 2016 in M.c.O.P.No.118 of 2012 dated 26.07.2017.

ORDER :This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the



arguments of M/S.K.K.BALARAM, Advocate for the petitioner and of MR.N.DILIP KUMAR, Advocate on behalf of the Respondent, the court made the following order:-

This Court vide order, dated 11.09.2018, granted interim stay for the payment of compensation awarded by the Tribunal. However, today when the matter came up for hearing, the learned counsel for the revision petitioner / Insurance Company contended that the total award amount is Rs.21,57,860/- and that they have deposited a sum of Rs.26,19,078/-, after deducting the 20% TDS amount on the interest portion. The learned counsel for the revision petitioner / Insurance Company fairly submitted that he has no objection for withdrawing the said amount already deposited in the Court along with accrued interest and that they have no objection for passing order by this Court directing the Court below to pay the compensation amount already deposited.

2.Considering the facts and circumstances of the case, this Court directed the Court below to pay the entire amount to the claimant as deposited by the revision petitioner / Insurance Company to an extent to Rs.26,19,078/- along with accrued interest as on today to the claimant within three weeks from the date of receipt of a copy of this order, if the accounts details are available. Otherwise, this Court directed to transfer the entire amount as directed by the Tribunal along with accrued interest and costs directly to the Personal Savings Bank Account Number of the first respondent / claimant through RTGS/NEFT system, after getting their Account Details, within a period of three weeks thereafter.

3.Accordingly, the order passed by this Court, dated 11.09.2018, stands modified.

sd/-
16/09/2019

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE, SRIVILLIPUTHUR

+1. C.C. to M/S.K.K.BALARAM, Advocate SR.No.15510

+1. C.C. to M/S.N.DILIP KUMAR, Advocate SR.No.15637

ORDER IN
CMP(MD) No.7978 of 2019 IN
CRP(MD) No.1982 of 2018
Date :16/09/2019

RJ2

<https://hccs.cce.org.in/Services/11/CC/CRP-17-2019> : 2P/4C