



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

Thursday, the Fifth day of September Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice R.THARANI

CMP (MD) No.9714 of 2018
IN
CMA (MD) No.643 of 2018

1 DURGADEVI,

2 MINOR RANJANA DEVI,
(MINOR RANJANA DEVI IS REP., BY
HER MOTHER AND GURADIAN, DURGADEVI)

3 K.KANAGARAJ,

4 K.ANDIAMMAL, ... PETITIONERS/RESPONDENTS 1 TO 4

Vs

1 M/S. ROYAL SUNDARAM GENERAL INSURANCE CO., LTD.,
45 & 46, WHITES ROAD, SUNDARAM TOWERS,
CHENNAI - 14.
REP. BY ITS DIVISIONAL MANAGER. ... 1st RESPONDENT/APPELLANT

2 DINAKARAN AIYYALUSAMY, ... 2nd RESPONDENT/5th RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the Petitioners 1, 3 & 4 to withdraw 50% of the award amount with accrued interest interest and to permit the 2nd Petitioner to withdraw accrued interest in respect of their deposited amount into the credit of MCOP No. 49 of 2015, on the file of the Motor Accident Claims Tribunal / Additional District Judge (Fast Track) Theni, pending disposal of CMA (MD) No. 643 of 2018.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MRS.PRABHA, for M/S.D.RAMESHKUMAR, Advocate for the petitioner and of MR.M.E.ILANGO, Advocate on behalf of the Respondents the court made the following order:-



(Order of the Court by T.S.SIVAGNANAM)

This petition has been filed seeking permission to permit the petitioners 1, 3 and 4 to withdraw 50% of the award amount with accrued interest and to permit the second petitioner to withdraw accrued interest in respect of her deposited amount to the credit of MCOP No.49 of 2015, on the file of the Motor Accident Claims Tribunal/Additional District Judge(Fast Track) Theni.

2.Heard Mrs.Prabha, the learned counsel appearing for the petitioners and Mr.M.E.Ilango, learned counsel appearing for the respondents.

3.Considering the nature of claim made on the first petitioner being a widow having a minor children, this Court permits the petitioner Nos.1,3 and 4 to withdraw 50% of the amount, which has been deposited by the first respondent/appellant Insurance Company Ltd., together with accrued interest and also permit the first petitioner to withdraw the interest that may be credited in respect of the award amount, which has been deposited to the share of the second respondent/ minor.

4.With the above direction, this Civil Miscellaneous Petition is ordered and the interim order granted by this Court on 14.08.2018, is made absolute.

sd/-
05/09/2019

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT, MOTOR ACCIDENT CLAIMS
TRIBUNAL, THENI.

ORDER
IN
CMP (MD) No.9714 of 2018
IN
CMA (MD) No.643 of 2018
Date :05/09/2019

TR/PN/SAR-II (16.09.2019) 2P 2C

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