

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Sixteenth day of December Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R.SUBBIAH

and

The Hon`ble Mr Justice C.SARAVANAN

CMP No.13034 of 2020

in CMA.No.271 of 2020

RAJASEKARAN

[PETITIONER]

Vs

1 M/S.FUTURE GENRALI INDIA INS
CO LTD, THE BRANCH OFFICE,
SENAPATI BAPAT MARG, ELPHINSTONE ROAD,
INDIA BULLS FINANCE CENTRE,
MUMBAI, MAHARASTRA -400 013.

[RESPONDENTS]

BRANCH OFFICE,
SRIVARI SHOPPING MALL
3RD FLOOR, NEW BUS STAND ROAD,
NEAR ARRS MULTIPLEX THEATRE,
MEYYANUR, SALEM-636 004.

2 P.SATHIHKUMAR

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit to withdraw the amount deposited in the account of MCOP No.1668/2017 on the file of the Motor Accidents Claims Tribunal (Special Subordinate Court No.2, Salem). (in CMP.13034/2020) in CMA.No.271/2020.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of L.NARASIMHA VARMAN, Advocate for the petitioner and of MR.N.VIJAYARAGHAVAN Advocate for 1st respondent the court made the following order:-

The present C.M.P. is filed by the claimant in MCOP.No.1668 of 2017, seeking permission of this Court to withdraw the amount deposited in the account of the said MCOP on the file of the MACT / Special Subordinate Court No.2, Salem.

2. As against the said MCOP, awarding compensation to the claimant, the present CMA.No.271 of 2020 is filed by the Future Generali India Insurance Company Limited.

3. When the Civil Miscellaneous Appeal came up for admission on 06.02.2020, this Court granted an order of interim stay in C.M.P.No.1889 of 2020 in CMA.No.271 of 2020 on condition of depositing 50% of the compensation amount awarded by the Tribunal within a period of eight weeks from the date of receipt of a copy of that order, failing which, it was observed that the order of stay would get automatically vacated.

4. Now, the claimant has preferred the present C.M.P. seeking for withdrawal of the amount deposited in the account of the said MCOP, pending the Civil Miscellaneous Appeal. It is also stated that the condition imposed in the above said stay order has been complied with by the Insurance Company, by depositing 50% of the award amount.

5. This Court heard the submissions made on either side and perused the materials available on record.

6. This Court, on being satisfied with the reasons stated in the affidavit filed in support of the present C.M.P. and also upon hearing both sides, is of the view that the petitioner / claimant may be permitted to withdraw the amount deposited, in the account of MCOP.No.1668 of 2017 on the file of the Special Subordinate Court No.2, Salem.

7. Accordingly, the petitioner / claimant is permitted to withdraw the amount deposited by the first respondent / Insurance Company, along with accrued interest thereon, in MCOP.No.1668 of 2017 on the file of the Special Subordinate Court No.2, Salem.

8. This C.M.P. is ordered in the above terms.

WEB COPY
-sd/-
16/12/2020
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE SPECIAL SUBORDINATE JUDGE-II,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
SALEM.

C.C. to MR.S.NIRMAL ADITYA Advocate SR.NO.6248

Order

in
CMP.13034/2020

in CMA.No.271/2020

Date :16/12/2020

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 30/12/2020



WEB COPY