

C.M.P. No. 22784 of 2019
in C.M.A. No.3216 of 2017

V.M.VELUMANI, J.

This petition is filed to modify the last two lines of the 8th paragraph of the order of this court dated 07.02.2018 in CMA No.3216 of 2017 as the 3rd respondent is entitled to withdraw the accrued interest once in three months instead of the 1st respondent is entitle to withdraw the accrued interest once in three months.

2. Heard the learned counsel appearing for the petitioners as well as the 1st respondent – Insurance company and perused the materials available on record.

3. The learned counsel apearing for the petitioners submitted that the minor 2nd petitioner is the custody of the grandmother/3rd petitioner herein. This Court, by order dated 07.02.2018 has permitted the 1st petitioner herein to withdraw the accrued interest, once in three months for the welfare of the minor. The learned counsel for the petitioners further submitted that the 1st petitioner, mother of the minor had filed an affidavit before the Tribunal in

I.A.No.214 of 2016 in MCOP No.18 of 2013 praying to remove her name in the next friend for the minor and to appoint the 3rd petitioner herein as next friend of the minor. The said petition was allowed by the Tribunal on 11.01.2016 and accordingly the cause title in MCOP No.18 of 2013 has been amended. In view of the above, the order of this court dated 07.02.2018 may be modified to the effect that the 3rd petitioner, grandmother of the 2nd petitioner may be permitted to withdraw the accrued interest, once in three months for the welfare of the minor.

4.The learned counsel appearing for the 1st respondent submitted that the 1st respondent has no objection in modifying the order of this court dated 07.02.2018 to the above extent.

5.In view of the same, the last two lines of the paragraph No. 8 of the order of this Court dated 07.02.2018 made in C.M.A. No. 3216 of 2017 is modified as follows:

“8. In view of the above modification, the civil miscellaneous appeal is partly allowed and the award is reduced as stated above. No costs. Consequently,

connected miscellaneous petition is closed. The second respondent/ Insurance Company is directed to deposit the entire modified award amount of Rs.21,13,285/- with interest at the rate of 7.5% p.a. after deducting the amount that has already been deposited by them if any within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the petitioners/claimants except 2nd petitioner are permitted to withdraw the entire award amount with proportionate interest and costs, by filing necessary application before the Tribunal. On such deposit, the first and second petitioners/claimants are entitled to 40% each of the award amount and the third and fourth petitioners/claimants entitled to 10% each of the award amount. The Minor 2nd petitioner share amount shall be deposited in any one of the Nationalized Bank till he attain majority. **The third petitioner is entitled to withdraw the accrued interest once in three months.**

6. This petition is ordered accordingly. The other contents of the order of this court dated 07.02.2018 shall remain unaltered.

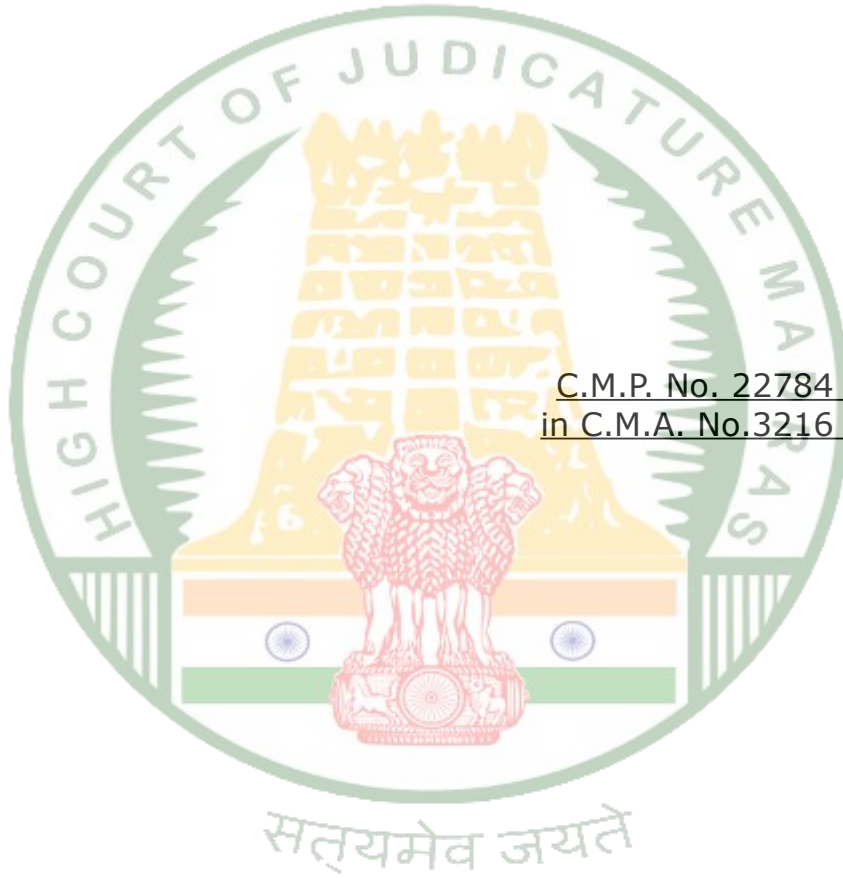
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