

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Seventh day of August Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE R.MAHADEVAN

CMP.Nos.19120 of 2017 & 2141 of 2018

in C.M.A.No.3119 of 2017

M/S.TATA AIG GENERAL INSURANCE ... PETITIONER IN CMP.19120/2017
COMPANY LIMITED, AND 1ST RESPONDENT IN CMP.2141/2018
NO.1, ETHIRAJ SALAI, EGMORE,
CHENNAI - 600 008.

VS

1.S.JAYAKUMAR ...1 & 2 RESPONDENTS IN CMP.19120/2017
S/O.SUBBA REDDY AND 1 & 2 PETITIONERS IN CMP.2141/2018
2.J.MADHUMATHI
W/O.S.JAYAKUMAR
3.A.MOORTHY ...3rd RESPONDENT IN CMP.19120/2017
S/O.ADHIMOOLAM AND 2nd RESPONDENT IN CMP.2141/2018

Petition filed under Section 151 of Civil Procedure Code to grant interim stay of all further proceedings pursuant to the judgment and decree made in M.C.O.P.No.6861 of 2014, dated 07.04.2017 on the file of the learned Motor Accident Claims Tribunal, Chief Court of Small Causes, Chennai, (in C.M.P.No.19120 of 2017);

Petition filed under Section 151 of Civil Procedure Code to permit the 1st and 2nd petitioner to withdraw 50% of the amount deposited to the credit of M.C.O.P.No.6861 of 2014, on the file of the learned Motor Accident Claims Tribunal, Chief Court of Small Causes, Chennai, (in C.M.P.No.2141 of 2018) respectively.

Order : These petitions coming on this day for hearing upon perusing the petition and the respectively affidavits filed in support thereof and upon hearing the arguments of MR.N.VIJAYARAGHAVAN for M/S.M.B.GOPALAN ASSOCIATES for the PETITIONER IN CMP.19120/2017 AND 1ST RESPONDENT IN CMP.2141/2018 and of MR.P.D.SELVARAJ Advocate for the 3rd RESPONDENT IN CMP.19120/2017 AND 2nd RESPONDENT IN CMP.2141/2018 and of 1 & 2 RESPONDENTS IN CMP.19120/2017 AND 1 & 2 PETITIONERS IN CMP.2141/2018 not appearing either in person or by an advocate the court made the following order:-

1.1 In C.M.P.No.19120 of 2017, this Court by order dated 09.11.2017, granted an order of interim stay on condition to deposit the entire award amount along with proportionate interest and costs by the petitioner / Insurance Company, within a period of four weeks.

1.2 Today, when the case was taken up for hearing, the learned counsel for the petitioner / insurance company submitted that the petitioner/ Insurance Company has complied with the aforesaid conditional order.

1.3 The appellant has questioned the entire liability cast upon them on various grounds. In view of the same, interim order already granted is made absolute and this Miscellaneous Petition is ordered accordingly.

2. In view of the order passed in C.M.P.No.19120 of 2017, C.M.P.No.2141 of 2018 filed by the claimants seeking permission to withdraw 50% of the deposited amount, stands closed.

-sd/-

07/08/2020

/ TRUE COPY /

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

TO

1 THE CHIEF COURT OF SMALL CAUSES,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, CHENNAI.

C.C. to M/S.M.B.GOPALAN ASSO. Advocate on payment of necessary charges

C.C. to MR.P.D.SELVARAJ Advocate on payment of necessary charges

Order

in

CMP.Nos.19120 of 2017 & 2141 of 2018

in C.M.A.No.3119 of 2017

Date :07/08/2020

From 26.2.2001 the Registry is issuing certified
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KP(21/09/2020)