



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

Friday, the Fourteenth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.1263 of 2020
IN CMA(MD) No.647 of 2019

- 1 SUMATHI
- 2 MINOR SANDEEP
(MINOR IS REP.BY HIS NATURAL GUARDIAN)

MINOR JEHISHA (DIED) ... PETITIONERS/ RESPONDENTS NO.1 & 2

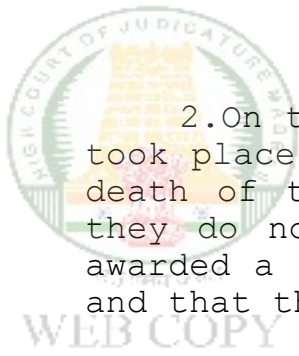
Vs

- 1 THE NEW INDIA ASSURANCE COMPANY LIMITED,
105, FIRST FLOOR, OPP.LIC,
MADURAI ROAD, VIRUDHUNAGAR TOWN,
VIRUDHUNAGAR DISTRICT. ... RESPONDENT NO.1/ APPELLANT
- 2 T.VILVAKUMAR ... RESPONDENT NO.2/ RESPONDENT NO.3

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner No.1 withdraw the sum of Rs.2,00,000/- from the award amount deposited in respect of petitioner NO.1 is concerned to the credit of MCOP.No.143 of 2018 on the file of Motor Accidents Claims Tribunal cum Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur and further permit the petitioner No.1 to withdraw the accrued interest once in 6 months from the award amount deposited in respect of the petitioner NO.2.

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.M.KARTHIKEYAN, Advocate for the petitioners and of M/S.B.VIJAY KARTHIKEYAN, Advocate for R1, the court made the following order:-

This petition has been filed to permit the first petitioner to withdraw a sum of Rs.2,00,000/- from the award amount deposited in respect of the share of the first petitioner to the credit of M.C.O.P.No.143 of 2018 on the file of Motor Accidents Claims Tribunal, (Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur) and further permit the petitioner No.1 to withdraw the accrued interest once in 6 months from the award amount deposited in respect of the second petitioner.



2.On the side of the petitioner, it is stated that the accident took place on 25.05.2014 and the claimants are suffering due to the death of the bread winner of the family for the past 5 years and they do not have any financial support and that the Tribunal has awarded a sum of Rs.3,00,000/- as the shares for the major claimant and that the first claimant is to be permitted to withdraw the same.

3.The respondent has no serious objection.

4.The appellant has deposited 50% of the award amount before the Tribunal. Hence, the major claimants/first petitioner alone is permitted to withdraw a sum of Rs.1,00,000/- (Rupees One Lakh Only) from the award amount deposited by the appellant in M.C.O.P.No.143 of 2018 on the file of Motor Accidents Claims Tribunal, (Chief Judicial Magistrate Court, Virudhunagar District at Srivilliputhur).

5.In view of the above direction, this Civil Miscellaneous Petition is partly allowed.

sd/-
14/02/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
THE CHIEF JUDICIAL MAGISTRATE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1. C.C. to M/S.M.KARTHIKEYAN Advocate SR.No.3110

ORDER
IN
CMP(MD) No.1263 of 2020
IN
CMA(MD) No.647 of 2019
Date :14/02/2020

MS/PN/SAR-2/24.02.2020/2P.3C