



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

Monday, the Twenty Fourth day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.1851 of 2020
IN
CMA(MD) No.923 of 2019

1 PAPPATHI
2 MAHALAKSHMI
3 MINOR SIVANKUMAR
(THE MINOR REPRESENTED BY HIS
NEXT FRIEND AND NATURAL GUARDIAN
OF THE 1st PETITIONER, PAPPATHI)

4 KARUPPAIAH
5 VELLAIYAMMAL

... PETITIONERS/
RESPONDENTS 1 TO 3, 6 & 7

Vs

1 HDFC ERGO GENERAL INSURANCE COMPANY LTD.,
REP. THROUGH THE THIRD PARTY INSURANCE,
CLAIM OFFICER, MADURAI.

... 1st RESPONDENT/
APPELLANT

V. GURUVAN (DIED)

2 SRIRAM GENERAL INSURANCE COMPANY LTD.,
E.EPIP, SITAPURA INDUSTRIAL AREA,
JAIPUT PO, RAJASTHAN - 302 022,
REP. THROUGH THIRD PARTY CLAIM OFFICER,
JAIPUR.

3 KUMAR

... RESPONDENTS 2 TO 3/
RESPONDENTS 4 TO 5

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners to withdraw the 50% of the deposited amount with the accrued interest to the credit of M.C.O.P.No.92 of 2016 on the file of Motor Accident Claims Tribunal cum Additional District Court (FTC), Theni, pending disposal of the above C.M.A.(MD).No.923 of 2019.



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.K.SURESH KUMAR, Advocate for the petitioners and of Mr.K.R.SHIVA SHANKARAI, Advocate for R1, the court made the following order:-

The learned counsel for the petitioners / claimants as well as the first respondent / appellant are present.

2. On the side of the petitioners / claimants, it is stated that the petitioners were suffering due to the loss of their only bread winner in the family and hence, the petitioners / claimants may be withdraw the amount deposited by the first respondent / appellant.

3. On the side of the first respondent / appellant, it is stated that since the liability is questioned, objected the withdrawal of the amount.

4. Since the legal heirs of the deceased were suffering, this Court is of the view that the major claimants are permitted to withdraw the 25% of the award amount with proportionate interest as per the apportionment made by the Tribunal.

5. With the above direction, this Civil Miscellaneous Petition is allowed.

sd/-
24/02/2020

/ TRUE COPY /

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

TO
THE ADDITIONAL DISTRICT JUDGE,
THE FILE OF MOTOR ACCIDENT CLAIMS TRIBUNAL
CUM ADDITIONAL DISTRICT COURT (FTC),
THENI

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-3792[I] dated 24/02/2020)
+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-3861[I] dated 24/02/2020)

ORDER IN
CMP(MD) No.1851 of 2020
IN
CMA(MD) No.923 of 2019
Date :24/02/2020