



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

Tuesday, the Fourteenth day of July Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

CMP (MD) No.1849 of 2020  
IN  
CMA (MD) No.744 of 2019

1 A.INNASIRAJA  
2 AROKIYAPICHAIMANI ... PETITIONERS/ RESPONDENTS

Vs

1 THE ORIGINAL INSURANCE COMPANY LIMITED,  
REP. THROUGH ITS BRANCH MANAGER,  
42/3, NEW SCHEME ROAD,  
SECOND FLOOR, POLLACHI,  
POLLACHI POST- 001. ... RESPONDENT/ APPELLANT  
2 V.KARUPUSAMY ... RESPONDENT/1st RESPONDENT  
3 THIRUMOORTHY ... RESPONDENT/2nd RESPONDENT

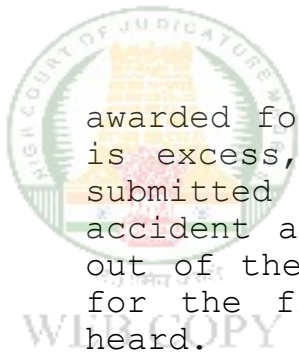
Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners to withdraw 50 of the amount deposited by the 1st Respondent Insurance Company to the credit of the MCOP No. 105 of 2016 on the file of the Motor Accidents Claim Tribunal Judge (Additional District Judge (FTC), Theni.

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.S.LOUIS -9843641047, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

This petition is filed to permit the petitioners to withdraw 50% of the award amount deposited by the first respondent/appellant to the credit of M.C.O.P.No.105 of 2016 on the file of the Motor Accidents Claims Tribunal (Additional District Court-FTC), Theni.

2.Heard the learned Counsel appearing for the petitioners and the learned Counsel for the first respondent.

3.This petition is seriously opposed by the learned Counsel for the first respondent/appellant. Stating that the compensation was



awarded for the death of student of B.E. and the quantum of amount is excess, the learned Counsel for the first respondent/appellant submitted that the victim did not wear the helmet at the time of accident and that the same is also a reason for the victim to die out of the accident. The further submission of the learned Counsel for the first respondent is that the main appeal itself may be heard.

4.Considering the grievance of the learned Counsel for the first respondent, this Court is of the view that the petitioners may be permitted to withdraw 40% of the amount deposited by the Insurance Company. Accordingly, this petition is allowed permitting the petitioners to withdraw 40% of the amount deposited by the first respondent / Insurance Company to the credit of M.C.O.P.No.105 of 2016 on the file of the Motor Accidents Claims Tribunal (Additional District Court-FTC), Theni. The Court below is directed to transfer the balance amount to the credit of C.M.A.(MD)No.744 of 2019 before the Indian Bank, Madurai Branch of Madras High Court, Madurai, which amount shall be deposited by the Indian Bank in an interest bearing account, till the disposal of the appeal.

sd/-  
14/07/2020

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

TO

THE ADDITIONAL DISTRICT JUDGE,  
MOTOR ACCIDENTS CLAIM TRIBUNAL JUDGE (FTC),  
THENI.

COPY TO:  
THE BRANCH MANAGER,  
INDIAN BANK,  
MADURAI BRANCH OF MADRAS HIGH COURT,  
MADURAI,

ORDER  
IN  
CMP(MD) No.1849 of 2020  
IN  
CMA(MD) No.744 of 2019  
Date :14/07/2020

cmr  
JM/VR/SAR 2/16.07.2020/2P/3C

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