



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

Thursday, the Nineteenth day of March Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mr.Justice C.SARAVANAN

CMP(MD) No.2604 of 2020

IN

CMA(MD) No.934 of 2019

1 REVATHI
2 MINOR R. VIBU SUTHA
3 CHELLAMMAL

... PETITIONERS 1 TO 3/RESPONDENTS 1 TO 3/
RESPONDENTS 1 TO 3

Vs

1 NATIONAL INSURANCE COMPANY LTD.,,
REP BY ITS BRANCH MANAGER,
DOOR NO. 73, NEAR COLLECTOR OFFICE,
PERUNTHURAI ROAD, ERODE,
ERODE DISTRICT.

... RESPONDENT/PETITIONER/APPELLANT

2 C. VARADARAJAN, ...2nd RESPONDENT/4th RESPONDENT/
4th 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 the amount deposited by the Appellant / Respondent before the learned Motor Vehicles Accidents Tribunal (Additional District Judge, Palani) in M.C.O.P. No. 142 of 2017 .

Prayer in CMA(MD). 934/ 2019 :

To set aside the fair and decreetal order dated 27.04.2019 and made in MCOP No.142 of 2017 on the file MACT (Additional District Judge), Palani and allow this appeal and thus render justice.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.C.GANGAI AMARAN, Advocate for the petitioners, the court made the following order:-



[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to permit the petitioners to withdraw the amount deposited by the appellant / first respondent before the Motor Accidents Claims Tribunal / (Additional District Judge), Palani in M.C.O.P.No.142 of 2017.

2.It is submitted that the entire amount awarded by the Tribunal has been deposited. The learned Counsel for the first respondent, namely, the appellant has no objection for permitting the petitioners to withdraw a sum of Rs.25,00,000/-. It is further stated that the appellant in the main appeal questioned the negligence and therefore, even if the appeal is allowed, the possibility is reduction of 50% of the amount. Hence, the petitioners are permitted to withdraw Rs.25,00,000/- with proportionate interest out of the amount deposited by the appellant before the Tribunal. The Tribunal is directed to transfer the balance amount to the credit of C.M.A.(MD)No.934 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.

3.Accordingly, this petition is allowed.

sd/-

19/03/2020

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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 VEHICLES ACCIDENTS TRIBUNAL, PALANI.

COPY TO:

THE BRANCH MANAGER,
INDIAN BANK, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SRINIVASA RAGAVAN, Advocate (SR-5599[I] dated 20/03/2020)

+1cc to MR.C.GANGAI AMARAN, Advocate in SR./No. 5534

ORDER

IN

CMP(MD) No.2604 of 2020

IN

CMA(MD) No.934 of 2019

Date :19/03/2020

cmr

AE/JC/SAR-III (24.03.2020) 2P 5C

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