



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

Monday, the Third day of February Two Thousand Twenty

PRESENT

The Hon'ble Mr.Justice M.DURAISWAMY
and
The Hon'ble Mr.Justice T.RAVINDRAN

CMP(MD) Nos.5906 and 5907 of 2019
IN
CMA(MD) Nos.363 and 364 of 2019

CMP(MD)No.5906 of 2019 in CMA(MD)No.363 of 2019 :

DHANUSHKODI ATHITHAN

... PETITIONER/1st RESPONDENT

Vs

1 NATIONAL INSURANCE COMPANY LIMITED,
THROUGH ITS DIVISIONAL MANAGER,
OFFICE AT NO,37,C.S.N.HIGH ROAD,
OPPOSITE TO HEAD POST OFFICE,
TIRUNELVELI.

... 1st RESPONDENT/APPELLANT

2 MADASAMY
3 ANUSHA DEVI
4 AKILAN

... RESPONDENTS 2 to 4/
RESPONDENTS 2 to 4

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw 50 percentage of the deposited award amount deposited by the 1st Respondent/Appellant in M.O.C.P.207 of 2008 on the file of M.A.C.T. (I Additional District judge).

CMP(MD)No.5907 of 2019 in CMA(MD)No.364 of 2019 :

1. DHANUSKODI ATHITHAN
2. DHANUSHA MAGESH
3. ANUSA DEVI
4. DHANESH ATHITHAN

... PETITIONERS/RESPONDENTS 1 to 4



- Vs. -

1. NATIONAL INSURANCE COMPANY LIMITED,
THROUGH DIVISIONAL MANAGER,
OFFICE AT NO,37, C.S.N.HIGH ROAD,
OPPOSITE TO HEAD POST OFFICE,
TIRUNELVELI.

... 1st RESPONDENT/APPELLANT

2. MADASAMY

... 2nd RESPONDENT/5th RESPONDENT

Honorable court may be permit the petitioner to withdraw my share of the deposited award amount deposited by the 1st Respondent / Appellant in MCOP No.318 OF 2008 on the file of Hon`ble Motor Accidents Claims Tribunal(1-Additional District and Sessions Judge)Tirunelveli.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioners in both petitions and 3rd respondent in CMP(MD)No.5907 of 2019 in CMA(MD)No.364 of 2019 and of Mr.J.S.MURALI, Advocate on behalf of the first Respondent in both petitions, the court made the following order:-

(Order of the Court was made by M.DURAI SWAMY, J)

Pursuant to the order passed by the Division Bench of this Court on 30.04.2019, the appellant / Insurance Company deposited the entire award amount together with accrued interests and costs to the credit of M.C.O.P.Nos.207 & 318 of 2008 on the file of the Motor Accident Claims Tribunal, I Additional District and Sessions Court, Tirunelveli.

2.Now, the petitioners / claimants have filed the above petitions seeking for withdrawal of their respective shares in the award passed by the Tribunal.

3.The learned counsel appearing for the appellant / Insurance Company submitted that the Insurance Company is questioning both quantum as well as negligence in the above Appeals.

4.Admittedly, the accident had occurred in the year 2006 and that the claimants have not received any single pie till today.

5.In view of the submissions made by the learned counsel appearing on either side, we direct the petitioners / claimants to withdraw 50% of their respective share amount deposited by the appellant / Insurance Company to the credit of M.C.O.P.Nos.207 & 318 of 2008 on the file of the Motor Accident Claims Tribunal, I



Additional District and Sessions Court, Tirunelveli.

6. Accordingly, these petitions are ordered.

sd/-
03/02/2020

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/ /2020

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

TO

THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-2246[I] dated
04/02/2020)

ORDER IN
CMP(MD) Nos.5906 & 5907/2019 in
CMA(MD) Nos.363 and 364/2019
Date :03/02/2020

PS
TE/VR/SAR-III : 06/02/2020 : 3P/3C