



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

Thursday, the Tenth day of September Two Thousand Twenty

PRESENT

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

CMP(MD) No.4319 of 2020
IN
CMA(MD) No.43 of 2020

1 MAHESWARI
2 MUTHUSELVAM
3 KARTHEESHWARI

... PETITIONERS/APELLANTS

Vs

1 R.SUNDARMAHALINGAM

2 THE CLAIMS MANAGER,
CHOZHAMANDALAM GENERAL INSURANCE COMPANY LTD.,
ENT HOSPITAL OPPOSITE,
KALAVASAL, MADURAI.

... RESPONDENTS/RESPONDENTS

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 their respective share amount which is lying to the credit of M.C.O.P No. 76 of 2017 dated 24.09.2019 on the file of the Principal District Court/ Motor Accident Claims Tribunal, Virudhunagar district at Srivilliputtur.

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.M.THIRUNAVUKKARASU, Advocate for the petitioner and of M/S.K.R.SHIVASHANKARI, Advocate on behalf of the Second Respondent, the court made the following order:-

This petition is filed to permit the petitioners to withdraw their respective share amount, which is lying to the credit of M.C.O.P.No.76 of 2017, dated 24.09.2019 on the file of the Motor Accidents Claims Tribunal (Principal District Court), Virudhunagar District at Srivilliputhur.

2.The learned Counsel for the petitioners is not present. It is to be noted that the petitioners are the claimants and the appeal is filed against the award of Motor Accidents Claims Tribunal in M.C.O.P.No.76 of 2017.



3.The learned Counsel for the second respondent submitted that the Insurance Company has not filed any appeal and that therefore, the award of the Tribunal as against the respondent has become final insofar as the quantum of compensation is concerned.

4.Having regard to the facts and circumstances of the case, this Court is of the view that there is no impediment for the petitioners to withdraw the award as per the apportionment indicated in the award of Tribunal. As a result, this petition is allowed and the petitioners are permitted to withdraw their respective share as apportioned by the Tribunal.

sd/-
10/09/2020

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

TO

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

ORDER
IN
CMP (MD) No.4319 of 2020
IN
CMA (MD) No.43 of 2020
Date :10/09/2020

cmr
JM/JC/SAR I/14.09.2020/2P/2C