



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

Thursday, the Sixth 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.7180 and 7185 of 2019
IN
CMA(MD) Nos.1121 and 810 of 2018

- 1 THOMAS JOHN
- 2 SHAWN JOHN
- 3 SHEENA JOHN

(REP. BY THEIR POWER OF ATTORNEY AGENT
SUSAN CLIFTON)

... PETITIONERS/RESPONDENTS 1 to 3
IN BOTH THE PETITIONS

Vs

- 1 THE BRANCH MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD.,
No.4, HEAD QUARTERS ROAD, RVR BUILDING,
II FLOOR, COIMBATORE.

... 1st RESPONDENT/APPELLANT
IN CMP(MD) No.7180 of 2019

- 2 C.PACHIAPPAN
- 3 SINNATHAMBY

- 4 THE BRANCH MANAGER,
RELIANCE GENERAL INSURANCE COMPANY,
2ND FLOOR, PL.A. KANAGU TOWERS,
15A, THILLAI NAGAR, MAIN ROAD,
11TH CROSS, TRICHY.

... RESPONDENTS 2 to 4/
RESPONDENTS 4 to 6
IN CMP(MD) No.7180 of 2019

- 1 THE BRANCH MANAGER,
RELIANCE GENERAL INSURANCE COMPANY,
2ND FLOOR, PL.A. KANAGU TOWERS,
15A, THILLAI NAGAR, MAIN ROAD,
11TH CROSS, TRICHY.

... 1st RESPONDENT/APPELLANT
IN CMP(MD) No.7185 of 2019



2 C.PACHIAPPAN

3 THE BRANCH MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD.,
No.4, HEAD QUARTERS ROAD, RVR BUILDING,
II FLOOR, COIMBATORE.

4 SINNATHAMBY

... RESPONDENTS 2 to 3/RESPONDENTS 4 & 5
IN CMP(MD)No.7185 of 2019

Prayer in CMP(MD)No.7180/2019 in CMA(MD) No.1121 of 2018 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant permission to the petitioners/respondents 1 to 3 herein to withdraw the amount deposited by the 1st respondent/appellant herein to the credit of M.C.O.P.No.416 of 2012 on the file of the Motor Accident Claim Tribunal (IV Additional District Judge, Madurai) and grant such other relieves as this Honourable Court.

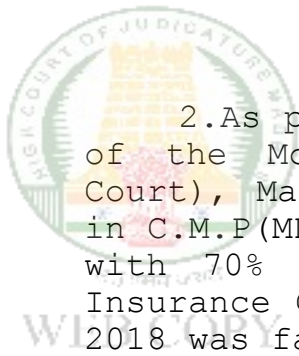
Prayer in CMP(MD)No.7185/2019 in CMA(MD) No.810 of 2018 :

Pleased to grant permission to the petitioners/respondents 1 to 3 herein to withdraw the amount deposited by the 1st respondent/appellant herein to the credit of MCOP No.416 of 2012 on the file of the Motor Accident Claim Tribunal (IV Additional District Judge Madurai) and grant such other further relieves.

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.M.RAJARAMAN, Advocate for the petitioners in both the petitions and of Mr.K.BHASKARAN, Advocate for 1st respondent in CMP(MD)No.7180 of 2019 in CMA(MD) No.1121 of 2018 and 3rd respondent in CMP(MD)No.7185 of 2019 in CMA(MD) No.810 of 2018 and Mr.S.SRINIVASA RAGHAVAN, Advocate for 4th respondent in CMP(MD)No.7180 of 2019 in CMA(MD) No.1121 of 2018 and 1st respondent in CMP(MD)No.7185 of 2019 in CMA(MD) No.810 of 2018 the court made the following order:-

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

The petitioners / claimants has filed the above petitions seeking permission to withdraw the amount deposited by the first respondent / Oriental Insurance Company in C.M.P(MD)No.7180 of 2019 in C.M.A(MD)No.1121 of 2018 as well as the first respondent / Reliance General Insurance Company in C.M.P(MD)No.7185 of 2019 in C.M.A(MD)No.810 of 2018 to the credit of M.C.O.P.No.416 of 2012 on the file of the Motor Accident Claims Tribunal (IV Additional District Court), Madurai.



2.As per the award passed in M.C.O.P.No.416 of 2012 on the file of the Motor Accident Claims Tribunal (IV Additional District Court), Madurai, the first respondent / Oriental Insurance Company in C.M.P(MD)No.7180 of 2019 in C.M.A(MD)No.1121 of 2018 was fastened with 70% liability and the first respondent / Reliance General Insurance Company in C.M.P(MD)No.7185 of 2019 in C.M.A(MD)No.810 of 2018 was fastened with 30% liability.

3.It is brought to the notice of this Court that the first respondent / Oriental Insurance Company in C.M.P(MD)No.7180 of 2019 in C.M.A(MD)No.1121 of 2018 as well as the first respondent / Reliance General Insurance Company in C.M.P(MD)No.7185 of 2019 in C.M.A(MD)No.810 of 2018 have already deposited the entire award amount together with accrued interest and costs to the credit of M.C.O.P.No.416 of 2012 on the file of the Motor Accident Claims Tribunal (IV Additional District Court), Madurai.

4.The first respondent / Oriental Insurance Company in C.M.P(MD)No.7180 of 2019 in C.M.A(MD)No.1121 of 2018 as well as the first respondent / Reliance General Insurance Company in C.M.P(MD)No.7185 of 2019 in C.M.A(MD)No.810 of 2018 are disputing the negligence as well as the quantum of compensation. In these circumstances, we are of the view that the petitioners / claimants can be permitted to withdraw 50% of the amount deposited by the first respondent / Oriental Insurance Company in C.M.P(MD)No.7180 of 2019 in C.M.A(MD)No.1121 of 2018 as well as the first respondent / Reliance General Insurance Company in C.M.P(MD)No.7185 of 2019 in C.M.A(MD)No.810 of 2018.

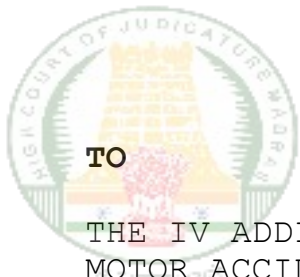
5.Accordingly, the petitioners / claimants are permitted to withdraw 50% of the amount deposited by the first respondent / Oriental Insurance Company in C.M.P(MD)No.7180 of 2019 in C.M.A(MD)No.1121 of 2018 as well as the first respondent / Reliance General Insurance Company in C.M.P(MD)No.7185 of 2019 in C.M.A(MD)No.810 of 2018, as apportioned by the Tribunal, to the credit of M.C.O.P.No.416 of 2012 on the file of the Motor Accident Claims Tribunal (IV Additional District Court), Madurai.

6.With these observations, these petitions are disposed of.

sd/-
06/02/2020

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



TO

THE IV ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

WEB COPY

+2 CC to M/s.K.BHASKARAN, Advocate (SR-2459[I] dated 06/02/2020)
+2 CC to M/s.M.RAJARAMAN, Advocate (SR-2405 & 2404[I] dated
06/02/2020)
+1 CC to M/s.S.SRINIVASA RAGAVAN, Advocate (SR-2501[I] dated
06/02/2020)

ORDER IN

CMP(MD) Nos.7180 & 7185/2019 in

CMA(MD) Nos.1121 & 810/2018

Date :06/02/2020

PS

TE/VR/SAR-III : 12/02/2020 : 4P/7C