



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 M.SATHYANARAYANAN
and
The Hon`ble Mr.Justice P.RAJAMANICKAM

C.M.P. (MD) .No.8251 of 2019
in
C.M.P. (MD) .No.3452 of 2019
in
C.M.A. (MD) No.250 of 2019

C.M.P. (MD) .No.8251 of 2019 in C.M.A. (MD) No.250 of 2019:

1 ANBALAGAN
2 SELVARANI

... PETITIONERS/
RESPONDENT NO.1 & 2/RESPONDENT NO.1 & 2

Vs

1 THE DIVISIONAL MANAGER,
M/S.UNITED INDIA INSURANCE COMPANY LTD.,
PROMENADE ROAD,
CANTONMENT, TRICHY.

... RESPONDENT NO.1/
PETITIONER/ APPELLANT

2 R.SATHISHKUMAR

... RESPONDENT NO.2/
RESPONDENT NO.2/ RESPONDENT NO.3

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim order of stay granted in CMP(MD)No.3452 of 2019 in CMA(MD)No.250 of 2019 dated 11.04.2019.

C.M.P. (MD) .No.3452 of 2019 in C.M.A. (MD) No.250 of 2019:

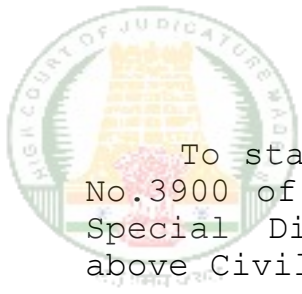
THE DIVISIONAL MANAGER,
M/S.UNITED INDIA INSURANCE COMPANY LTD.,
PROMENADE ROAD,
CANTONMENT, TRICHY.

... PETITIONER/ APPELLANT

- VS. -

1. ANBALAGAN
2. SELVARANI
3. R.SATHISHKUMAR

... RESPONDENTS/ RESPONDENTS



To stay the Award and Decree dated 27.11.2017 as passed in MCOP No.3900 of 2013 on the file of the Motor Accident Claims Tribunal, Special District Judge, Tiruchirappalli pending disposal of the above Civil Miscellaneous Appeal.

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.B.SARAVANAN, Advocate for the petitioners in C.M.P.(MD).No.8251 of 2019 and R1 & R2 in C.M.P.(MD).No.3452 of 2019 and of MR.I.ROBERT CHANDRASEKAR, Advocate for MR.G.PRABHU RAJADURAI, Advocate for the 1st Respondent in C.M.P.(MD).No.8251 of 2019 and Petitioner in C.M.P.(MD).No.3452 of 2019, the court made the following order:-

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

The appellant/Insurance Company, aggrieved by the quantum of compensation awarded by the Tribunal, has filed this appeal and pending disposal of the same, this Court has passed a conditional interim order dated 11.04.2019 in C.M.P(MD).No.3452 of 2019 in C.M.A.(MD).No.250 of 2019 and to vacate the same, the present petition is filed.

2. The respondent/claimant have also filed permission petition vide U.S.R.No.60186.

3. Heard the submissions of Mr.I.Robert Chandrasekar for Mr.G.Prabhu Rajadurai, learned Counsel appearing for the appellant/petitioner and he would submit that the quantum of compensation awarded by the Tribunal at any date is highly excessive and he further add that if a date is fixed, the appellant is ready for final hearing.

4. Per contra, Mr.B.Saravanan, learned Counsel appearing for the petitioners would submit that the respondents/claimants are in urgent need of funds, especially, in the light of Covid-19 pandemic virus and prays for vacating the interim orders. It is represented that, in compliance of the conditional order dated 11.04.2019, passed in C.M.P (MD).No.3452 of 2019, a sum of Rs.30 lakhs (Rupees Thirty Lakhs only) with proportionate accrued interest with cost has been deposited.

5. This Court, considering the above facts and circumstances, vacates the interim stay and permits the petitioners in the vacate stay petition, who are the respondents/claimants in C.M.P.No.3452 of 2019 in C.M.A(MD).No.250 of 2019, to withdraw the deposited amount in equal proportion and it is subject to the outcome of this appeal. Consequently, the connected civil miscellaneous petition is closed.



6. List this appeal for final disposal on **06.10.2020**. Registry is directed to return the permission petition in USR No.60186 to the learned Counsel appearing for the petitioners.

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sd/-
10/09/2020

/ TRUE COPY /

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

Note: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

TO

THE SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUCHIRAPPALLI

+1. C.C. to M/S.B.SARAVANAN Advocate SR.No. 6407

ORDER
IN
C.M.P. (MD) .No.8251 of 2019
in
C.M.P. (MD) .No.3452 of 2019
in
C.M.A. (MD) No.250 of 2019
Date :10/09/2020

pkn
JM/PN/SAR IV/15.09.2020/3P/3C