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

Tuesday, the Twenty First day of January Two Thousand Twenty
PRESENT

The Hon`ble Mr.Justice M.DURAI SWAMY
and
The Hon`ble Mr.Justice T.RAVINDRAN

CMP(MD) No.8180 of 2019
IN
CMA(MD) No.1273 of 2015

K.PARAMESWARI ... PETITIONER/2nd RESPONDENT/CLAIMANT

Vs

1 THE BRANCH MANAGER
ROYAL SUNDARAM ALLIANCE INSURANCE CO.LTD.,
TVS CO-OP STORES BUILDING,
37, KRISHNA ROAD TANK STREET,
MADURAI-625 001. ...1st RESPONDENT/APPELLANT

2 NAGARAJAN ...2nd RESPONDENT/1st RESPONDENT
3 P.SIVASANKAR
4 M.KALAVATHI

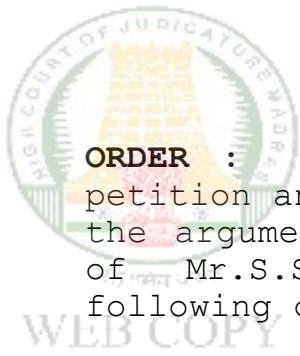
5 THE BRANCH MANAGER
NEW INDIA ASSURANCE CO., LTD.,
NO.83, T.S.R.BIG STREET, KUMBAKONAM,
THANJAVUR DISTRICT. ...3 to 5 RESPONDENTS/RESPONDENTS

6 KANTHIMATHI (DIED) ... 6th RESPONDENT

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 % of petitioner entitled amount of Rs.18,12,233/- along with accrued interest deposited to the credit of MCOP No.1981 of 2009 on the file of the Motor Accident Claims (V-Additional District Judge), Madurai.

PRAYER IN CMA(MD) No.1273 of 2015:

Pleased to set aside the fair and decreetal order dated 16.12.2014 and made in MCOP.No.1981 of 2009 on the file of Motor Accident Claims (V Additional District Judge) Madurai and allow this Civil Miscellaneous Appeal.



ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.W.SATHASIVAM, Advocate for the petitioner and of Mr.S.Srinivasa Raghavan, Advocate for R1, the court made the following order:-

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

The petitioner seeks permission to withdraw 50% of the amount deposited by the appellant-Insurance Company to the credit of M.C.O.P.No.1981 of 2009, on the file of the Motor Accident Claims Tribunal, V Additional District Court, Madurai.

2. Mr.S.Srinivasa Raghavan, learned Counsel appearing for the first respondent- Insurance Company submitted that since the appellant-Insurance Company is disputing the negligence, the petitioner may be permitted to withdraw 25% of the amount deposited.

3. Since the Insurance Company is disputing the negligence, we are of the view that the petitioner can be permitted to withdraw 25% of the amount deposited by the Insurance Company. Accordingly, the petitioner is permitted to withdraw 25% of the amount deposited by the Insurance Company to the credit of M.C.O.P.No.1981 of 2009, on the file of the Motor Accident Claims Tribunal - cum - V Additional District Court, Madurai. The V Additional District Judge is directed to deposit the balance amount in a Fixed Deposit to the credit of C.M.A.(MD)No.1273 of 2015 in Indian Bank, High Court Branch, Madurai Bench of Madras High Court, Madurai in re-investment scheme initially for a period of two years.

4. The Civil Miscellaneous Petition is disposed of accordingly.

sd/-
21/01/2020

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



TO

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

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

+1 CC to M/s.K.MALAIMARAN, Advocate (SR-1221[I] dated 23/01/2020)

ORDER IN
CMP(MD) No.8180 of 2019 IN
CMA(MD) No.1273 of 2015
Date :21/01/2020

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