



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) Nos.9284 and 9299 of 2019
IN
CMA(MD) No.23 of 2018

CMP(MD)No.9284 of 2019 in CMA(MD)NO.23 of 2018:

- 1 BALAMANI
- 2 MINOR.MURUGESH
- 3 MINOR.AKASH

MINOR PETITIONERS 2 & 3
ARE REP. BY THEIR MOTHER & GUARDIAN
OF 1st PETITIONER ... PETITIONERS/1 to 3 RESPONDENTS

Vs

- 1 THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE CO.LTD.,
15-A, PLA, KANAGU TOWERS,
THILLAI NAGAR, 11TH CROSS, TRICHY- 18. ..1st RESPONDENT/APPELLANT
- 2 KARUPPAIAH THEVAR,
- 3 VASANTHA ...RESPONDENTS 2 & 3/RESPONDENTS 4 & 5
- 4 ARUMUGAM, ...5th RESPONDENT/6th RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to withdraw 10% of award amount of each from the total award amount deposited by the 1st respondent/ Appellant herein with interest in M.C.O.P. No. 213 of 2013 on the file of the Motor Accident Claims Tribunal/ Cum Additional District Court, Pudukkottai, and thus render justice.

CMP(MD)No.9299 of 2019 in CMA(MD)NO.23 of 2018:

1. KARUPPAIAH THEVAR
2. VASANTHA .. PETITIONERS/4 & 5 RESPONDENTS

- VS. -



1 THE BRANCH MANAGER
RELIANCE GENERAL INSURANCE CO.LTD.,
15-A, PLA, KANAGU TOWERS,
THILLAI NAGAR, 11TH CROSS, TRICHY- 18. ..1st RESPONDENT/APPELLANT

2. BALAMANI
3. MINOR.MURUGESH
4. MINOR.AKASH
MINOR PETITIONERS 2 & 3 ARE REP.BY
THEIR MOTHER & GUARDIAN OF 1st PETITIONER
...RESPONDENTS 2 to 4/RESPONDENTS 1 TO 3

5. ARUMUGAM ... 5th RESPONDENT/6th RESPONDENT

PRAYER IN CMP(MD) NO. 9299/ 2019 :

Pleased to withdraw 10 % award amount of each from the total award amount deposited by the 1st respondent/appellant herein with interest in MCOP No. 213 of 2013 on the file of the Motor Accident Claims Tribunal/ Cum Additional District Court, Pudukkottai and thus render justice.

PRAYER IN CMA(MD) No.23 of 2018

Pleased to set aside the fair and decreetal order dated 28.03.2017 made in MCOP.No.213 of 2013 on the file of Motor Accident Claims Tribunal(Additional District Judge), Pudukkottai, and allow this 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.K.BALASUNDHARAM, Advocate for the petitioners in both petitions, and of Mr.S.Srinivasa Raghavan, Advocate for R1 in both petitions, the court made the following order:-

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

The wife and sons of the deceased have filed the petition in C.M.P.(MD)No.9284 of 2019 seeking permission to withdraw 50% of the amount deposited by the Insurance Company to the credit of M.C.O.P.No.213 of 2013, on the file of the Motor Accidents Claims Tribunal - cum - Additional District Court, Pudukkottai.

2. The parents of the deceased have filed the petition in C.M.P.(MD)No.9299 of 2019 to withdraw 10% of the amount deposited by the Insurance Company with interest to the credit of M.C.O.P.No.213 of 2013, on the file of the Motor Accidents Claims Tribunal - cum - Additional District Court, Pudukkottai.



3. Mr.S.Srinivasa Raghavan, learned Counsel appearing for the first respondent- Insurance Company submitted that the Insurance Company is disputing the negligence as well as the quantum, hence the first petitioner in C.M.P.(MD)No.9284 of 2019 may be permitted to withdraw a consolidated sum of Rupees Seven Lakhs and the petitioners in C.M.P.(MD)No.9299 of 2019 may be permitted to withdraw a consolidated sum of Rupees One Lakh out of the amount deposited by the Insurance Company to the credit of M.C.O.P.No.213 of 2013, on the file of the Motor Accidents Claims Tribunal - cum - Additional District Court, Pudukkottai.

4. Since the first respondent - Insurance Company is disputing the negligence as well as the quantum, we are of the view that the submission made by the learned Counsel appearing for the Insurance Company can be accepted. In view of the same, we permit the first petitioner in C.M.P.(MD)No.9284 of 2019 to withdraw the consolidated sum of Rupees Seven Lakhs and the petitioners in C.M.P.(MD)No.9299 of 2019 are permitted to withdraw the consolidated sum of Rupees One Lakh, out of the amount deposited by the first respondent-Insurance Company to the credit of M.C.O.P.No.213 of 2013, on the file of the Motor Accidents Claims Tribunal - cum - Additional District Court, Pudukkottai. The Additional District Judge, Pudukkottai is directed to deposit the balance amount in any Nationalised Bank in re-investment scheme initially for a period of two years.

5. The Civil Miscellaneous Petitions are 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 ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, PUDUKKOTTAI.

+2 CC to M/s.K.BAALASUNDHARAM, Advocate, SR-1145, 1146

ORDER IN
CMP (MD) Nos.9284 & 9299
of 2019 IN
CMA (MD) No.23 of 2018
Date :21/01/2020

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<https://hccs.court.gov.in/cases/1.2020/3P/4C>