



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

Thursday, the Twentieth day of February Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CMP(MD) No.10382 of 2019
IN
CMA(MD) No.757 of 2018

1 JAYAMANI
2 RAVI PRAWVIN

... PETITIONERS/RESPONDENTS 1 AND 2

Vs

1 N.BALAKRISHNAN

... 1st RESPONDENT/APPELLANT

2 THE MANAGER,
ROYAL SUNDARAM ALLIANCE INSURANCE CO.LTD,
BUS PLAZA, 3RD FLOOR,
NO.5G, LAWSONS ROAD,
CANTONMENT, TRICHY.

... 2nd RESPONDENT/3rd RESPONDENT

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 the deposited amount with the accrued interest to the credit of MCOP No.130 of 2014 on the file of the MACT, Principal District Court, Karur, pending disposal of the above CMA(MD)No.757 of 2018.

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 K.SURESH KUMAR, Advocate for the petitioners and of Mr.V.ILLANCHEZIAN, Advocate on behalf of the First Respondent, the court made the following order:-

This petition is filed to permit the petitioners to withdraw the deposited amount with accrued interest to the credit of M.C.O.P.No. 130 of 2014 on the file of the Motor Vehicle Accident Claims Tribunal / Principal District Court, Karur.

2. The learned counsel for the petitioners / claimants and the learned counsel for the first respondent / appellant are present.

3. On the side of the petitioners / claimants, it is stated that the petitioners being the wife and son of the deceased /

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Senthilkumar were suffering due to the loss of the only bread winner in their family and hence, the petitioners / claimants may be permitted to withdraw the amount deposited by the first respondent / appellant.

4. On the side of the first respondent / appellant, it is stated that the first respondent / appellant has already insured the vehicle and the trial Court failed to consider the insurance and fixed part of the liability on the owner of the vehicle / first respondent and hence, he prayed that the amount should not be permitted to be withdrawn by the petitioners.

5. It is seen that the petitioners lost their only bread winner of the family and the liability is fixed on the first respondent / appellant. Already this Court directed the first respondent / appellant, to deposit the 40 % of the award amount and the same was deposited by the first respondent / appellant before the Tribunal and hence, the petitioners / claimants are permitted to withdraw 20% of the award amount with proportionate interest as per the apportionment made by the Tribunal, without prejudice to the result of the Civil Miscellaneous Appeal.

6. With the above observation, this Civil Miscellaneous Petition is partly allowed.

sd/-
20/02/2020

/ TRUE COPY /

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

TO

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KARUR.

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-3568[I] dated 20/02/2020)
+1 CC to M/s.V.ILLANCHEZIAN, Advocate (SR-3729[I] dated 21/02/2020)

ORDER IN
CMP(MD) No.10382 of 2019
IN
CMA(MD) No.757 of 2018
Date :20/02/2020

LS
TE/JC/SAR-I : 03/03/2020 : 2P/4C

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