



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

Thursday, the Ninth day of January Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

C.M.P. (MD)No.12548 of 2019
in C.M.A. (MD)No.424 of 2019
and C.M.P. (MD)No.5114 of 2019

C.M.P. (MD)No.12548 of 2019 in C.M.A. (MD)No.424 of 2019:

1 RAJADURAI

2 BENHUR R.DURAI

3 IVAN R.DURAI

4 BRITE R.DURAI

... PETITIONERS/ 1 TO 4th RESPONDENTS/
PETITIONERS

Vs

1 THE DIVISIONAL MANAGER
DIVISIONAL OFFICE,
THE NEW INDIAN ASSURANCE COMPANY LTD.,
PILLAR GATE, (OPP) BALAMORE ROAD,
ANNA STADIUM, NAGERCOIL VILLAGE,
AGANTEESWARAM TALUK,
KANYAKUMARI DISTRICT.

... 1st RESPONDENT/ APPELLANT/
3rd RESPONDENT

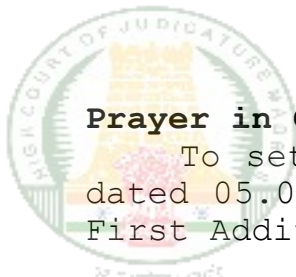
2 ADDITIONAL GENERAL MANAGER(HR) ,
NUCLEAR POWER CORPORATION OF INDIA,
KODANKULAM AND POST,
RADHAPURAM TALUK,
TIRUNELVELI DISTRICT.

... 2nd RESPONDENT/ 5th RESPONDENT/
1st RESPONDENT

3 S.MADHUSOOTHANAPERUMAL

... 3rd RESPONDENT/ 6th RESPONDENT/
2nd RESPONDENT

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant permission to withdraw the undisputed amount with interest till the date of withdrawal and thus render justice.



Prayer in CMA(MD) . 424/ 2019 :

To set aside the judgment and decree in M.C.O.P.No.118 of 2017 dated 05.02.2019 on the file of the Motor Accident Claims Tribunal, First Additional Subordinate Court, Nagercoil.

C.M.P. (MD)No.5114 of 2019 in C.M.A. (MD)No.424 of 2019:

1 THE DIVISIONAL MANAGER
DIVISIONAL OFFICE,
THE NEW INDIAN ASSURANCE COMPANY LTD.,
PILLARS GATE, (OPP) BALAMORE ROAD,
ANNA STADIUM, NAGERCOIL & VILLAGE,
AGANTEESWARAM TALUK,
KANYAKUMARI DISTRICT. ... PETITIONER/ APPELLANT

V/S

1 RAJADURAI

2 BENHUR R.DURAI

3 IVAN R.DURAI

4 BRITE R.DURAI

5 ADDITIONAL GENERAL MANAGER(HR),
NUCLEAR POWER CORPORATION OF INDIA,
KODANKULAM AND POST,
RADHAPURAM TALUK,
TIRUNELVELI DISTRICT.

3 S.MADHUSOOTHANAPERUMAL ... RESPONDENTS/ RESPONDENTS
(R5 & R6 ARE NOT NECESSARY PARTIES FOR ADJUDICATION: NOTICE
DISPENSED WITH)

Prayer in CMP(MD) . 5114/ 2019 :

Pleased to grant an order of Interim stay of all further proceedings pursuant to the Judgment and Decree made in MCOP.No.118 of 2017 dated 05.02.2019 on the file of the Motor Accident Claims Tribunal, First Additional Subordinate Court, Nagercoil pending disposal of the 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 Mr.S.SURESHKUMAR, Advocate for the petitioners in CMP(MD)No.12548 of 2019 and R1 to R4 in CMP(MD) No.5114 of 2019 and Mr.J.S.MURALI, Advocate for the petitioner in CMP(MD)No.5114 of 2019 and R1 in CMP(MD)No.12548 of 2019, the court made the following order:-



The learned counsel for the petitioners / claimants as well as the first respondent / appellant are present.

2. On the side of the petitioners / claimants , it is stated that the first respondent / appellant admitted the liability to the tune of Rs.10,24,990/- (Rupees Ten Lakhs Twenty Four Thousand Nine Hundred and Ninety only) and the petitioners 1 to 3 / claimants 1 to 3 may be permitted to withdraw the admitted amount for a sum of Rs.10,24,990/- with proportionate interest. There is no minor claimant in this petition.

3. A perusal of the Appeal reveals that the first respondent / appellant admitted liability to the tune of Rs.10,24,990/- (Rupees Ten Lakhs Twenty Four Thousand Nine Hundred and Ninety only). Hence, the petitioners 1 to 3 / claimants 1 to 3 are permitted to withdraw the admitted award amount of Rs.10,24,990/- (Rupees Ten Lakhs Twenty Four Thousand Nine Hundred and Ninety only) with proportionate interest as per apportionment made by the Tribunal.

4. With the above direction, this Civil Miscellaneous Petition is allowed.

sd/-

09/01/2020

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/ /2020

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

TO

THE FIRST ADDITIONAL SUBORDINATE JUDGE,
THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
NAGERCOIL.

+1. C.C. to M/S.S.SURESHKUMAR Advocate SR.No.585

ORDER

IN

CMP(MD) No.12548 of 2019

IN

CMA(MD) No.424 of 2019 and

C.M.P.(MD)No.5114 of 2019

Date :09/01/2020

AE/PN/SAR-3/06.02.2020/3P.3C