



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

Tuesday, the Eleventh day of February Two Thousand Twenty

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CMP(MD) No.12403 of 2019
IN
CMA(MD) No.722 of 2019

R.SUNTHAYI

... PETITIONER/ 1st RESPONDENT

Vs

1 THE NATIONAL INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE, MADURAI,
REP.THROUGH ITS DIVISIONAL MANAGER,
MADURAI.

... 1st RESPONDENT/ APPELLANT

2 M/S.DHAKSHIN STRUCTURES P.LTD.,
DHAKSHIN STRUCTURE P LTD.,
379, MADURAI ROAD, TOWER BUILDING,
THENI DISTRICT.

3 JEYARAJ

... RESPONDENTS 2 AND 3/
RESPONDENTS 2 AND 3

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 the admitted liability amount with the accrued interest to the credit of M.C.O.P.No.95 of 2016 on the file of Motor Accident Claims Tribunal cum Additional District Judge (FTC), Theni, pending disposal of the above CMA(MD)No.722 of 2019 and thus render justice.

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 petitioner and of Mr.D.SIVARAMAN, Advocate for R1 and Mr.N.PRAGALATHAN, Advocate for R3, the court made the following order:-

The learned counsel for the petitioner / claimant and the learned counsel for the first respondent / appellant as well as third respondent are present.

2. On the side of the petitioner / claimant, it is stated that the petitioner suffered mental agony and suffered irreparable loss and the first respondent / appellant admitted the



liability to the tune of Rs.10,00,000/- (Rupees Ten Lakhs only) and the petitioner / claimant may be permitted to withdraw the admitted amount i.e. a sum of Rs.10,00,000/- with proportionate interest.

3. A perusal of the Appeal reveals that the first respondent / appellant admitted liability to the tune of Rs.10,00,000/- (Rupees Ten Lakhs only). Already this Court has ordered the Insurance Company to deposit 50% of the award amount, since the award amount is Rs.23,53,000/-, there should be sufficient fund in the deposit.

4. Hence, the petitioner / claimant is permitted to withdraw a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with proportionate interest.

sd/-
11/02/2020

/ TRUE COPY /

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

TO
THE ADDITIONAL DISTRICT JUDGE (FTC)
MOTOR ACCIDENT CLAIMS TRIBUNAL CUM
THENI.

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-2885[I] dated 12/02/2020)

ORDER
IN
CMP (MD) No.12403 of 2019
IN
CMA (MD) No.722 of 2019
Date :11/02/2020

MS/PN/SAR-4/20.02.2020/2P.3C