



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Tuesday, the Twenty Fourth day of August Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

AND

THE HON`BLE MR JUSTICE V.SIVAGNANAM

CMP.No.10314 of 2021

in CMA.No.1496 of 2021

1 SELVI [PETITIONERS]

2 JAYALAKSHMI

3 VEMBU

Vs

1 THE BRANCH MANAGER [RESPONDENTS]

THE NEW INDIA ASSURANCE CO LTD,
1ST FLOOR, MAJ APRTS,
NO.149, BHARATHIYAR ROAD, KARAIKAL

2 MANIKANDAN

3 VIJAYAKUMAR

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 sum of Rs.45,58,199/- being the amount deposited to the credit of M.A.C.T.O.P No.85 of 2019, on the file of the Motor Accident Claims Tribunal, District Court, Karaikal in compliance to the order of this Hon'ble Court passed in C.M.P.No.7785 of 2021 in C.M.A.No.1496 of 2021 dated 28.04.2021, [IN CMP.No.10314 of 2021], Pending disposal of the above CMA.No.1496 of 2021.

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.V.KARTHIKEYAN, Advocate for the petitioner and of MR.S.DAKSHINAMOORTHY for 1st Respondent, the court made the following order:-

This petition has been filed seeking permission to withdraw a sum of RS.45,58,199/-.



2. The petitioners are claimants in MCOP.No.85 of 2019. The Tribunal has awarded a sum of Rs.78,15,000/- with interest at the rate of 7.5% per annum. Challenging the same, the Insurance Company has preferred the present appeal.

3. The learned counsel for the petitioners would state that while granting stay, the appellant/Insurance Company was directed to deposit 50% of the award amount and the same was complied and a sum of Rs.45,58,199/- was deposited to the credit of claim petition.

4. The learned counsel for the petitioner further submitted that the first petitioner/first claimant is suffering from stomach ache and she is now admitted in a Hospital, hence she needs money for her treatment.

5. The learned counsel appearing for the respondent would submit that the award is exorbitant and the claimants are not entitled for the same.

6. However, considering the facts and circumstances of the case, we are hereby permitting the first petitioner to withdraw Rs.10,00,000/- (Rupees ten lakhs only) from the amount deposited by the respondent/Insurance Company to the credit of the claim petition. Accordingly, the petition is ordered.

-sd/-
24/08/2021
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

THE DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, KARAIKAL

C.C. to MR.S.V.KARTHIKEYAN Advocate SR.NO.4809/2021

Order
in

CMP.No.10314 of 2021
in CMA.No.1496 of 2021

Date :24/08/2021

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