



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Civil Appellate Jurisdiction)

Thursday, the Sixteenth day of December Two Thousand Twenty One

PRESENT

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HON'BLE MR.JUSTICE V.SIVAGNANAM

CMP.No.18647 of 2021

in CMA.No.2446 of 2021

DR.PRAFULLA

[PETITIONER]

Vs

1 SAJEEBAI BALAKRISHNAN

[RESPONDENTS]

2 PATTAYIL KEERANGHATPEYUSH

3 BAJAJ ALLIANZ GENERAL INSURANCE
CO.LTD, IIIRD FLOOR, FINANCE TOWER,
KALOOR, COCHIN.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner herein to withdraw the amount of Rs.22,75,633 (Rupees Twenty Two Lakh Seventy Five Thousand Six Hundred Thirty Three Only) deposited by the 3rd respondent on the credit of the M.A.C.T O.P.No.10 of 2016 on the file of the Motor Accidents Claims Tribunal, Mahe, (CMP.No.18647 of 2021) pending disposal of the CMA.No.2446 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 M/S.GOPIKA NAMBIAR, Advocate for the petitioner and of MR.J.MICHAEL VISUVASAM, Advocate for 3rd Respondent and of MR.V.ELANGO VAN, Advocate for 1 & 2 Respondents, the court made the following order:-

(Order of the Court was made by K.KALYANASUNDARAM, J)

This Civil Miscellaneous Appeal is filed seeking enhancement of compensation. The appellant filed this application seeking permission to withdraw the award amount, which was deposited by the respondent Insurance Company to the credit of the claim petition.



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2.The learned counsel appearing for the respondent Insurance Company Mr.J.Michael Visuvasam would state that the respondent Insurance Company is preferring an appeal challenging the quantum and hence, the entire amount cannot be permitted to be withdrawn.

3.Per contra, the learned counsel appearing for the respondent/claimant would stat that the petitioner, injured claimant had spent more than Rs.10,00,000/- towards medical expenses alone and hence, the prayer of the petitioner can be considered.

4. In the light of the above submissions, we are of the considered opinion that at this stage, the petitioner can be permitted to withdraw Rs.10,00,000/- (Rupees Ten Lakhs only) along with proportionate interest and costs.

5.Accordingly, this miscellaneous petition is ordered.

-sd/-
16/12/2021
/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE,
THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
MAHE.

COPY TO

THE SECTION OFFICER,
ACCOUNTS SECTION,
HIGH COURT, MADRAS-104.

C.C. to M/S.GOPIKA NAMBIAR Advocate SR.NO.7490

Order
in
CMP.No.18647 of 2021
in CMA.No.2446 of 2021
Date :16/12/2021

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