



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

Wednesday, the Twenty Fourth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.M.SUNDRESH
and
The Hon`ble Mrs.Justice S.ANANTHI

C.M.P. (MD) No.1714 of 2021
and
C.M.P. (MD) No.6385 of 2020
in
C.M.A. (MD) No.618 of 2020

C.M.P. (MD) No.1714 of 2021 in C.M.A. (MD) No.618 of 2020:

SUBRAMANIAN ... PETITIONER/ 1st RESPONDENT

Vs

1 THANASEKAR ... 1st RESPONDENT/ 2nd RESPONDENT

2 RELIANCE GENERAL INSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER,
OFFICE NO.10/4/4, THAHA PLAZA, 2ND FLOOR,
SOUTH BYPASS ROAD, VANNARAPETTAI,
TIRUNELVELI. ... 2nd RESPONDENT/ APPELLANT

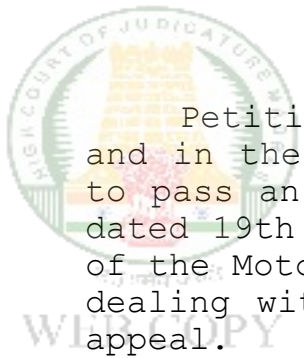
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw 50% of the entire award amount with accrued interest and cost deposited to the credit of M.C.O.P.No.1673 of 2015 on the file of the Motor Accident Claims Tribunal, (Special Sub Judge), Tirunelveli pending disposal of the above Civil Miscellaneous Petition.

CMP(MD) No.6385 of 2020 IN CMA(MD) No.618 of 2020:

RELIANCE GENERAL INSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER, NO.10/4/4,
THAHA PLAZA, 2ND FLOOR, SOUTH BYPASS ROAD,
VANNARAPETTAI, TIRUNELVELI. ... PETITIONER/APPELLANT

Vs

1 SUBRAMANIAN
2 THANASEKAR ... RESPONDENTS/RESPONDENTS



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of stay the operation of the judgment and decree dated 19th December 2019 passed in MCOP No.1673 of 2015 on the file of the Motor Accident Claims Tribunal, Tirunelveli/Special Sub Judge dealing with MCOP Cases, Tirunelveli till the disposal of the main appeal.

Prayer in CMA(MD) .618/2020 :

To set aside the judgment and decree dated 19th December 2019 passed in MCOP No.1673 of 2015 on the file of the Motor Accident Claims Tribunal, Tirunelveli/Special Sub Judge dealing with MCOP Cases, Tirunelveli by allowing this appeal.

ORDER : These petitions coming up for orders on this day, upon perusing the petition sand the affidavits filed in support thereof and upon hearing the arguments of Mr.T.SELVAKUMARAN, Advocate for the petitioner in C.M.P.(MD) No.1714 of 2021 in C.M.A.(MD) No.618 of 2020 and 1st Respondent in CMP(MD) No.6385 of 2020 IN CMA(MD) No.618 of 2020 and Mr.V.SAKTHIVEL, Advocate for the petitioner in CMP(MD) No.6385 of 2020 IN CMA(MD) No.618 of 2020 and 2nd Respondent in in C.M.P.(MD) No.1714 of 2021 in C.M.A.(MD) No.618 of 2020, the Court made the following order:-

(Order of the Court was made by **M.M.SUNDRESH, J.)**

C.M.P.(MD) No.1714 of 2021 has been filed by the petitioner/claimant to withdraw 50% of the award amount.

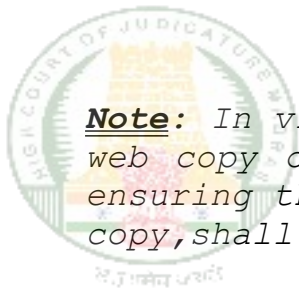
2.This Court after considering the submissions made by the learned counsel on either side and perusing the materials available on record is of the view that the petitioner may be permitted to withdraw 1/3rd of the amount deposited by the respondent No.2.

3.Accordingly, C.M.P.(MD) No.1714 of 2021 is ordered, permitting the petitioner/claimant to withdraw 1/3rd of the award amount with proportionate interests and costs. The balance amount shall be kept in a fixed deposit as ordered earlier. The interim order already granted in C.M.P.(MD) No.6385 of 2020 is made absolute.

sd/-
24/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

WEB COPY

THE SPECIAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-2534[I] dated
25/03/2021)

ORDER IN
C.M.P. (MD) No.1714 of 2021
and
C.M.P. (MD) No.6385 of 2020
in
C.M.A. (MD) No.618 of 2020
Date :24/03/2021

sj
MS/VR/30.03.2021/3P.3C