



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

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

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.1706 of 2021
in
CMA(MD) No.333 of 2020

1 MAHARAJAN

2 ESAKKIAMMAL

3 MINOR. MARIKUTTI

4 MINOR. ESAKKIAMMAL

... PETITIONERS/RESPONDENTS 1 TO 4

(MINOR APPELLANTS THROUGH
THEIR FATHER AND NEXT
GUARDIAN MAHARAJAN)

Vs

NAGARAJAN (DIED)

1 RELIANCE GENERAL INSURANCE COMPANY LTD.,,
THROUGH ITS BRANCH MANAGER,
OFFICE AT NUMBER 10/4/4, THAHA PLAZA,
2ND FLOOR, SOUTH BY PASS ROAD,
VANNARAPETTAI,
TIRUNELVELI.

... 1st RESPONDENT/APPELLANT

2 S.BALASUNDARAM

3 B.PARUVATHAVARTHINI

... RESPONDENTS 2 AND 3/
RESPONDENTS 5 AND 6

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioners to withdraw 50 percentage of entire deposited amount to the credit of M.C.O.P.No.694 of 2015 on the file of the Motor Accident Claims Tribunal, (Special Subordinate Judge), (Dealing with M.C.O.P. Cases), Tirunelveli, pending disposal of the above Civil Miscellaneous Petition.



Prayer in CMA(MD). 333/ 2020 :

Pleased to set aside the Judgement and decree dt. 06.01.2020 passed in MCOP No. 694 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 : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.SELVAKUMARAN, Advocate for the petitioner and of Mr.V.SAKTHIVEL Advocate on behalf of the 1st respondent and of Mr.G.KANNAN, Advocate on behalf of the Respondents Nos.2 and 3, the Court made the following order:-

Heard the learned counsel for the petitioners and the learned counsel for the respondents.

2.The learned counsel for the respondents would submit that the respondents have no objection for taking 50% of the award amount by the petitioners 1 and 2, but they are opposing in respect of the petitioners 3 and 4 are concerned, who are the brother and sister of the deceased.

3.Considering the facts and circumstances of the case, this petition is partly allowed and the petitioners 1 and 2 are permitted to withdraw the 50% of their share amount, as apportioned by the Tribunal with proportionate interest and costs.

sd/-

04/08/2021

/ TRUE COPY /

/ /2021

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

TO

THE SPECIAL SUBORDINATE JUDGE,
(DEALING WITH MCOP CASES)
MOTOR ACCIDENTS CLAIMS TRIBUNAL, TIRUNELVELI.

+1. C.C. to Mr.T.SELVAKUMARAN, Advocate SR.No.5096

ORDER
IN
CMP(MD) No.1706 of 2021
in
CMA(MD) No.333 of 2020
Date :04/08/2021

SS/JM/SAR-IV/11.08.2021 : 2P/3C