



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

Thursday, the Eighth day of April Two Thousand and Twenty One
PRESENT

The Hon'ble Mr. Justice K. MURALI SHANKAR
C.M.P. (MD). No. 2355 of 2021

in
CMA (MD). No. 44 of 2020

1 R. DEVI
2 R. SURESH
3 MINOR R. VEERAMANI
4 MINOR R. RENUGA DEVI
5 SUBBAMMAL
6 KALIYAPPAN ... PETITIONERS/RESPONDENTS 1 TO 6
(THE PETITIONERS 3 AND 4 ARE MINORS REP BY THEIR MOTHER
AND NATURAL GUARDIAN R. DEVI, THE 1ST PETITIONER HEREIN)
Vs

1 THE BRANCH MANAGER
NEW INDIA ASSURANCE COMPANY LTD, DOOR NO.
1419, TENKASI ROAD, RAJAPALAYAM TOWN,
VIRUDHUNAGAR DISTRICT. ... 1ST RESPONDENT/APPELLANT

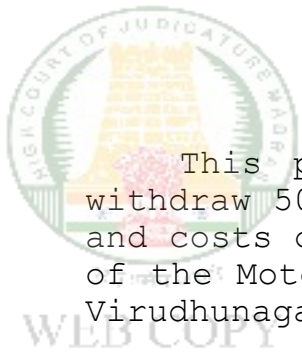
2 DURAIMURUGAN
3 P. PARAMASIVAM ... RESPONDENTS 2 AND 3/
RESPONDENTS 7 AND 8

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the 1st petitioner herein to withdraw the 50 percentage of the award amount along with proportionate interest and cost, which has been deposited by the 1st respondent to the credit of MCOP No. 179 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Tribunal Magistrate Court) Virudhunagar District at Srivilliputhur, pending disposal of the above Civil Miscellaneous Appeal and thus render justice.

Prayer in CMA (MD) No. 44/2020 :

To set aside the decree and judgment dated and be pleased to 25.07.2019 made in MCOP No. 179 of 2018 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate Court) Virudhunagar District at Srivilliputhur and dismiss the claim against the appellant.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. K. VINAYAGAN, Advocate for the petitioners and Mr. B. VIJAY KARTHIKEYAN of Advocate for Respondent No. 1 and Mr. M. KARTHIKEYAN, Advocate for 3rd Respondent, the Court made the following order:-



This petition has been filed to permit the 1st petitioner to withdraw 50% of the award amount with proportionate accrued interest and costs deposited in the credit of MCOP.No.179 of 2018 on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Virudhunagar District at Srivilliputtur.

2. Heard the learned counsel appearing for the petitioner.

3. The learned counsel for appearing for the first respondent / Insurance Company would submit that as per the interim order passed by this Court dated 29.01.2020, the first respondent has already deposited the entire award amount before the Tribunal and they have no objection to withdraw the same.

4. In view of the above, this Court directs the 1st petitioner / claimant to withdraw 50% of her share amount as awarded by the Tribunal together with proportionate interest and costs, which is lying in the credit of MCOP.No.179 of 2018 on the file of the Motor Accidents Claims Tribunal / Chief Judicial Magistrate, Virudhunagar District on filing necessary application before the Tribunal.

5. Accordingly, this petition is ordered.

sd/-
08/04/2021

/ TRUE COPY /

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

TO

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

+1 CC to M/s.K.VINAYAGAM, Advocate (SR-2986[I] dated 08/04/2021)

ORDER
IN
C.M.P. (MD) .No.2355 of 2021
in
CMA (MD) .No.44 of 2020
Date :08/04/2021