



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

Wednesday, the Twenty First day of April Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice K.KALYANASUNDARAM
and

The Hon`ble Mr.Justice B.PUGALENDHI

CMP(MD) No.3179 of 2021

IN

CMA(MD) No.353 of 2020

1 VINOTHINI

2 MINOR KARUN

(MINOR 2nd PETITIONER REP. THROUGH HIS
MOTHER THE 1st PETITIONER VIZ.,
VINOTHINI)

3 MURUGESWARI

... PETITIONERS/RESPONDENTS 1 TO 3

Vs

1 RELIANCE GENERAL INSURANCE COMPANY LTD,
5TH STREET, 4th STREET H BLOCK,
DOOR NO.12 H 2035, ANNANAGAR WEST,
CHENNAI METRO POLICITY,
CHENNAI DISTRICT.

... 1st RESPONDENT/APPELLANT

2 KUPPUSAMY

... 2nd RESPONDENT/4th RESPONDNET
(SET EXPARTE BEFORE THE LOWER COURT)

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 herein to withdraw the 50 percentage of amount with accrued interest deposited before the Motor Accident Claims Tribunal Additional District Judge (FTC) Theni, to the credit of MCOP No.123 of 2018 pending disposal of the Civil Miscellaneous Appeal.

Prayer in CMA(MD). 353/ 2020 :

To set aside the judgment and decree passed by the Motor Accident Claims Tribunal Judge (Additional District Judge (FTC)) of Theni in MCOP No.123 of 2018 dated 22.07.2019 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

<https://hscpc.eco.in/madras/inservices/> the arguments of Mr.S.VINODH, Advocate for the



petitioners and of Mr.V.SAKTHIVEL, Advocate on behalf of the 1st Respondent, the court made the following order:-

[Order of the Court was delivered by **K.KALYANASUNDARAM, J.**]

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This petition has been filed to permit the petitioners to withdraw 50% of the amount with accrued interest deposited to the credit of M.C.O.P.No.123 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District Judge (FTC)), Theni.

2. Mr.V.Sakthivel, learned counsel appearing for the Insurance Company submitted that though this Court granted interim stay on 17.09.2020, on condition that the Insurance Company has to deposit 50% of the award amount with accrued interest, the entire award amount with accrued interest has been deposited before the Tribunal. It is further submitted that the accident had occurred purely due to the negligence of the deceased and therefore, the appellant is not liable to pay any compensation to the claimants.

3. Per contra, Mr.S.Vinoth, learned counsel appearing for the claimants submitted that the claimants are wife, minor son and the mother of the deceased and they have lost the sole breadwinner and they have been financially suffering. It is also stated that the claimants need some amount for educational expenses of the 2nd claimant and medical expenses of the 3rd claimant.

4. Considering the above aspect, it would be appropriate to permit the 1st petitioner/1st claimant to withdraw a sum of Rs.2,00,000/- and the 3rd petitioner/3rd claimant Rs.1,00,000/-.

5. In fine, the Claimants 1 and 3/petitioners 1 and 3 are permitted to withdraw a total sum of Rs.3,00,000/-(Rupees three lakhs only) from the amount deposited by the Insurance Company to the credit of M.C.O.P.No.123 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District Judge (FTC)), Theni. The remaining amount shall be re-invested in any one of the Nationalised Banks, in interest bearing Fixed Deposit, till the disposal of the appeal. Accordingly, the petition is ordered.

sd/-
21/04/2021

/ TRUE COPY /

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



TO

THE ADDITIONAL DISTRICT JUDGE, (FTC),
MOTOR ACCIDENT CLAIMS TRIBUNAL, THENI.

+1. C.C. to M/S.S.VINODH Advocate SR.No.3279

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ORDER

IN

CMP (MD) No.3179 of 2021

IN

CMA (MD) No.353 of 2020

Date :21/04/2021

OGY

JM/VR/SAR I/04.06.2021/3P/3C