

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

Wednesday, the Twelfth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice J.NISHA BANU

CMA(MD) No.417 of 2019

and

CMP(MD) No.4988 of 2019

THE DIVISIONAL MANAGER
NATIONAL INSURANCE CO LTD.,
DIVISIONAL OFFICE, 5A,
SUB COLLECTOR OFFICE ROAD,
DINDIGUL-624 001,
DINDIGUL DISTRICT.

... APPELLANT/2nd RESPONDENT

Vs

1 MINOR.RATHIKA

... 1st RESPONDENT/1st PETITIONER

2 MINOR.SARANKUMAR

... 2nd RESPONDENT/2nd PETITIONER

(1ST AND 2ND MINIOR RESPONDENTS WERE
REPRESENTED BEFORE TRIBUNAL BY MATERNAL
GANDFATHER AND GUARDIAN PALANIYAPPAN)

3 VIJAYAKUMAR

... 3rd RESPONDENT/1st RESPONDENT

4 SELVARAJ

... 4th RESPONDENT/3rd RESPONDENT

(Impleaded in IA No.34/2015 order dated
24.02.2015 by Tribunal Father of the
above Minor Children added as necessary
party before the Tribunal he has
abandoned his claim before Tribunal
which is also on record)

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to set aside the judgment and fair decreetal order dated 26.10.2018
made in MCOP No.41 of 2013 on the file of Motor Accident Claims
Tribunal/Court of Sub Judge, Vendasandur and allow this appeal and
thus render justice.

Prayer in CMP(MD) .4988/2019 :

To stay the operation of Judgment and fair decreetal order
made in MCOP No.41 of 2013 dated 26.10.2018 on the file of Motor
Accident Claims Tribunal/ Court of Sub Judge, Vendasandur, Dindigul
District pending this CMA.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.J.KUMARAVEL, Advocate for the petitioner, the court made the following order:-

Notice of motion returnable by 10.07.2019. Private notice is also permitted.

2. There shall be an order of interim stay on condition to deposit the entire award amount with accrued interest and costs to the credit of M.C.O.P.No.41 of 2013 on the file of the Motor Accident Claims Tribunal / Sub Judge, Vendasandur, Dindigul District, within a period of four weeks from the date of receipt of a copy of this order, failing which, the interim order granted shall stand vacated automatically without any further reference to this Court.

3. On such deposit, the Tribunal is directed to transfer the amount and deposit the same to the credit of C.M.A(MD)No.417 of 2019 before the Indian Bank, Madurai Bench of Madras High Court Branch, Madurai, which amount shall be deposited by the Indian Bank in an interest bearing account until further orders.

4. Post the matter on 10.07.2019.

sd/-
12/06/2019

/ TRUE COPY /

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

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
VEDASANDUR, DINDIGUL DISTRICT

COPY TO: THE BRANCH MANAGER, INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.V.J.KUMARAVEL Advocate SR.No.9475

ORDER IN
CMA(MD) No.417 of 2019 and
CMP(MD) No.4988 of 2019
Date :12/06/2019

MSA

<https://hcservices.ecourts.gov.in/hcservices/cr/UC/SAR-2/17.06.2019> : 2P/4C