



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

Friday, the Twenty Ninth day of October Two Thousand and Twenty One  
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN  
and  
The Hon`ble Mrs.Justice S.ANANTHI

C.M.P. (MD)No.5198 of 2020  
in  
C.M.P. (MD)No.3466 of 2020  
in  
C.M.A (MD)No.219 of 2020

1 RAMESH  
2 SAKUNTHALA  
3 SELVI ABINAYA

... PETITIONERS/ RESPONDENTS 1 TO 3

Vs

1 SHANMUGAM

... RESPONDENT / 4<sup>th</sup> RESPONDENT

2 ROYAL SUNDARAM ALLIANCE INSURANCE CO. LTD,  
THIRUPPUR, REPRESENTED BY ITS MANAGER, ... 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 the deposited amount into the credit of MCOP No.190 of 2016, on the file of the Motor Accident Claims Tribunal (District Court) Sivagangai pending disposal of CMA(MD)No.219 of 2020 on the file of this Honourable Court.

Prayer in CMP(MD). 3466/ 2020 :

To STAY the operation of the fair and decreetal order dated 26.11.2018 made in M.C.O.P.No. 190 of 2016 on the file of Motor Accident Claims Tribunal (District Court) Sivagangai pending disposal of the above Civil Miscellaneous appeal.

Prayer in CMA(MD). 219/ 2020 :

To set aside the fair and decreetal order dated 26.11.2018 made in M.C.O.P.No. 190 of 2016 on the file of Motor Accident Claims Tribunal (District Court) Sivagangai and allow this civil miscellaneous 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.K.P.RAMESH, Advocate for the petitioners and of Mr.S.SRINIVASA RAGAVAN, Advocate for the 2nd respondent, the court made the following order:-

<https://hcs.e-courts.gov.in/hcs/e-cases>



**(Order of the Court was made by V.BHARATHIDASAN., J)**

This application has been filed by the Petitioners/Respondents 1. to 3, to withdraw the deposited amount into the credit of M.C.O.P.No.190 of 2016, on the file of Motor Accident Claims Tribunal (District Court), Sivagangai, pending disposal of the above appeal.

2. We have heard the learned counsel appearing on either side.

3. Considering the fact that there is a serious dispute regarding the quantum of compensation, the petitioners are permitted to withdraw 50% of their shares, with accrued interest and costs, as per the apportionment made by the Tribunal.

4. Registry is directed to list the appeal for final hearing on 30.11.2021.

sd/-

29/10/2021

/ 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

THE MOTOR ACCIDENT CLAIMS TRIBUNAL(DISTRICT JUDGE),  
SIVAGANGAI.

+1 CC to Mr.S.SRINIVASA RAGHAVAN, Advocate ( SR-7693[I] dated 29/10/2021 )

+1 CC to Mr.K.P.RAMESH, Advocate ( SR-7824[I] dated 02/11/2021 )

ORDER IN  
C.M.P. (MD)No.5198 of 2020  
in  
C.M.P. (MD)No.3466 of 2020  
in  
C.M.A (MD)No.219 of 2020  
Date :29/10/2021

MK/PN/SAR.III/08.11.2021/2P/4C