



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

Thursday, the Seventh day of October Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN
and
The Hon'ble Mrs.Justice J.NISHA BANU

CMP(MD) No.7476 of 2021

IN

CMA(MD) No.499 of 2021

1. V.SHAJAHAN

2. MINOR. S.DANISHA

(MINOR RESPONDENT NO.2 REP BY HIS NATURAL
GUARDIAN AND FATHER V.SHAJAHAN).

... PETITIONER/RESPONDENT 1 TO 2 /
PETITIONER

Vs

1. TAMILNADU STATE TRANSPORT CORPORATION,
REP. BY ITS ADMINISTRATIVE OFFICER,
KUMBAKONAM DIVISION, KUMBAKONAM,
THANJAVUR DISTRICT.

... 1st RESPONDENT / APPELLANT /
1st RESPONDENT

2. SURIYA BANU

... 2nd RESPONDENT/2nd RESPONDENT/
2nd RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass necessary orders by allowing this petition and thereby permit the 1st petitioner to withdraw to Rs.11,93,350/- of the deposited award amount together with proportionate interest and costs which was deposited by the 1st respondent in MCOP No.20 of 2016 on the file of the Motor Accident Claims Tribunal (Special District Court for MCOP Cases Madurai).

Prayer in CMA(MD) No.499/2021 :

Pleaded to set aside the impugned award passed in MCOP No.20 of 2016 on the file of the MACT (Special District Court), Madurai dated 12.02.2019.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and

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upon hearing the arguments of Mr.A.SHAJAHAN, Advocate for the petitioner and of MR.P.M.VISHNUVARTHANAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

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

WEB COPY

Against the award passed by the Motor Accident Claims Tribunal (Special District Court), Madurai, dated 12.02.2019, made in M.C.O.P.No.20 of 2016, the appellant/Transport Corporation, is before this Court with this Civil Miscellaneous Appeal.

2. The claim petition has been filed by the petitioners for the death of the wife of the first petitioner and mother of the second petitioner/minor. Against the claim of Rs.50,00,000/-, the Tribunal awarded a sum of Rs.24,72,800/- and out of which, the first petitioner/husband is entitled to get Rs.17,30,960/- and the second petitioner/child is entitled to get Rs.7,41,840/-.

3. Earlier, this Court, by order dated 01.06.2021, directed the appellant/Transport Corporation, to deposit 50% of the award amount with accrued interests and costs to the credit of M.C.O.P.No.20 of 2016. Pursuant to the same, 50% of the award amount has been deposited by the appellant/Transport Corporation.

4. Now, the present Civil Miscellaneous Petition has been filed by the first petitioner/first claimant, seeking permission to withdraw a sum of Rs.11,93,350/- together with proportionate interests and costs.

5. We have heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent/Transport Corporation.

6. Considering the facts and circumstances of case, the first petitioner alone is permitted to withdraw Rs.10,00,000/- (Rupees Ten Lakhs Only) and the remaining amount if any and 2nd claimant/minor's share, is directed to be deposited in any one of the nationalised banks in an interest bearing fixed deposit, initially for a period of one year and renewable thereafter until further orders.

7. Registry is directed to post the main appeal for hearing on 24.11.2021.

sd/-
07/10/2021

/ TRUE COPY /

/ /2021

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



TO

THE SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
MADURAI.

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-7074[I] dated 08/10/2021)

ORDER IN
CMP (MD) No.7476 of 2021
IN
CMA (MD) No.499 of 2021
Date :07/10/2021

pm

USK/VR/SAR-II/ (12.10.2021) 3P-3C