



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.8022 of 2021
in
C.M.A(MD)No.494 of 2020

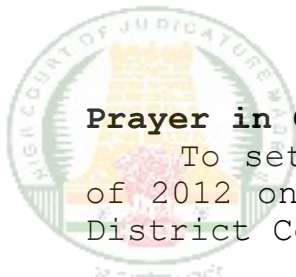
USHAVARSHINI

... PETITIONER/ 3rd RESPONDNET

Vs

- 1 THE BRANCH MANAGER,
BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD.,
LEGAL OFFICE, 184/25,
K.P.S. SHOPPING ARCADE,
BYPASS ROAD, MADURAI - 10. ... 1st RESPONDENT/ APPELLANT
- 2 SHANTHI
- 3 SRI NANDINI
- 4 SANKARAMMAI ... RESPONDENTS 2 TO 4/
RESPONDENTS NO.1,2 & 4
- 5 K.SUDHAKARAN ... 5th RESPONDENT/ 5th RESPONDENT
- 6 AR.THIRUPATHI
- 7 THE MANAGER,
THE NEW INDIA ASSURANCE COMPANY LTD.,
NO.3, MAIN ROAD, DINDIGUL.
- 8 THE MANAGER,
NATIONAL INSURANCE COMPANY LTD.,
DINDIGUL. ... RESPONDENTS 6 TO 8/
RESPONDENTS 6 TO 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 petitioner to WITHDRAW 50% of the award amount with proportionate interest and cost in the credit of M.C.O.P. No. 1088 of 2012 on the file of the Motor Accident Claims Tribunal / Principal District Judge, Dindigul, pending disposal of the above Civil Miscellaneous Appeal.



Prayer in CMA(MD) . 494/ 2020 :

To set aside the judgment and decree passed in M.C.O.P. No.1088 of 2012 on the file of the Motor Accident Claims Tribunal/Principal District Court, Dindigul, dated 19.10.2019 and thus render justice.

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.AN.RAMANATHAN, Advocate for the petitioner and of Mrs.K.R.SIVASHANKARI, Advocate for the 1st Respondent, the court made the following order:-

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

Against the award passed by the Motor Accident Claims Tribunal/Principal District Judge, Dindigul, dated 19.10.2019, made in M.C.O.P.No.1088 of 2012, the appellant/Insurance Company has filed the present appeal.

2. Pending appeal, by virtue of the order of this Court, dated 18.11.2020, the appellant/Insurance Company has deposited 50% of the award amount with proportionate interest and costs. Further, this Court permitted the major claimants to withdraw 40% of their respective shares with proportionate interest and costs. At that time, the petitioner was a minor and hence, her share was directed to be deposited in a Fixed Deposit in any one of the Nationalised Banks. Now, the petitioner attained majority and an application has been filed before this Court, to declare her as major, the same was also ordered declaring her as major. Now, the present Civil Miscellaneous Petition has been filed by the petitioner/third respondent seeking withdrawal of 50% of her share with proportionate interest and costs.

3.The learned counsel appearing for the first respondent/Insurance company has no serious objection for the petitioner to withdraw 50% of her share.

4. Considering the above said facts, this Civil Miscellaneous Petition is allowed and the petitioner is permitted to withdraw 50% of her share, now in fixed deposit, with accrued interests and costs, from the amount deposited by the appellant/Insurance Company.

sd/-

07/10/2021

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/ /2021

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



TO
THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
DINDIGUL.

WEB COPY

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-7068[I] dated
07/10/2021)

ORDER
IN
CMP (MD) No.8022 of 2021 in
C.M.A (MD) No.494 of 2020
Date :07/10/2021

PM
MS/SKN/SAR-1/18.10.2021/3P.3C