



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

Monday, the Seventh day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD)No.1472 of 2022
in
C.M.A(MD)No.7 of 2022

1 MUTHULAKSHMI

2 PRASANTH

(2ND PETITIONER WAS DECLARED AS MAJOR AS
PER ORDER IN I.A.NO.44/2019 DATED
25.01.2019 AND THE PETITION WAS AMENDED)

3 MINOR.DHANYA

... PETITIONERS/ RESPONDENTS 1 TO 3

(MINOR 3RD PETITIONER IS REP BY 1ST
PETITIONER - HER MOTHER AND NATURAL
GUARDIAN MUTHULAKSHMI)

Vs

1 THE DIVISIONAL MANAGER
M/S NATIONAL INSURANCE CO LTD,
NO.33, PROMENADE ROAD
CANTONMENT
TRICHY DISTRICT.

... 1ST RESPONDENT / APPELLANT

2 T. CHINNIAH

... 2ND RESPONDENT / 4TH RESPONDENT

3 PONNUSAMY DIED

... NIL / 5TH RESPONDENT

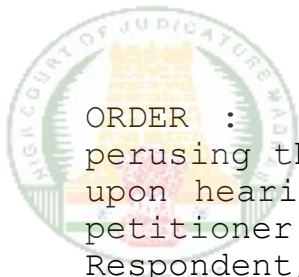
4 MUTHULAKSHMI

... 4TH RESPONDENT / 6TH RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioners 1 to 3 herein to withdraw the 50 percentage of the amount deposited by the 1st respondent on the credit of M.C.O.P.No.1757 of 2014 on the file of Motor Accidents claims Tribunal - Special District Judge, MCOP cases, Trichy.

Prayer in CMA(MD). 7/ 2022 :

To allow this appeal and set aside the Judgment and Decree dated 05-11-2019 passed in M.C.O.P. No.1757 of 2014 on the file of the Motor Accident Claims Tribunal, (Special District Judge to deal with MCOP cases), Trichirappalli.



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.B.PRAHALAD RAVI, Advocate for the petitioner and of MR.A.S.MATHIALAGAN, on behalf of the 1st Respondent, the court made the following order:-

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This petition is filed to permit the petitioners 1 to 3 herein to withdraw 50% of the amount deposited by the first respondent on the credit of M.C.O.P.No.1757 of 2014 on the file of the Motor Accidents Claims Tribunal/Special District Judge, MCOP Cases, Trichy.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The grievance of the first respondent /insurance company is that as per Ex.P5-Pay certificate certain headings could not be taken for computation of the monthly income.

4.After perusing the pay certificate and also taking note of the findings rendered thereon, in the interest of justice, the following orders is passed:-

The first respondent/insurance company, pursuant to the order passed in CMP(MD) No.57 of 2022 has deposited Rs.40,04,947/- representing 50% of the award amount with interest thereon. Without prejudice to the contention and rights of both the parties, the petitioners/claimants are permitted to withdraw Rs.25,00,000/- only.

5.Post the civil miscellaneous appeal for final disposal in the third week of April 2022.

sd/-

07/03/2022

/ TRUE COPY /

/ /2022

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

TO
THE SPECIAL DISTRICT JUDGE TO DEAL WITH MCOP CASES,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TRICHY.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-1820[I] dated 08/03/2022)

ORDER IN

CMP(MD)No.1472 of 2022

in

C.M.A(MD)No.7 of 2022

Date :07/03/2022