



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

Thursday, the Twenty Fifth day of August Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mrs.Justice S.SRIMATHY

C.M.P.(MD) No.1980 of 2022
in
C.M.A.(MD)No.172 of 2017

S.KAMATCHI MAHESH BOSE

... PETITIONER/1ST RESPONDENT

Vs

1 THE ROYAL SUNDARAM INSURANCE COMPANY LIMITED,
REP. BY DIVISIONAL MANAGER,
KRISHNARAYAR TANK STREET,
MADURAI - 01.

...RESPONDENT/APELLANT

2 R. TAMILARASAN

(2ND RESPONDENT SET EX PARTE IN LOWER
COURT HENCE NOTICE MAY BE DISPENSED WITH)

... 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 permit the petitioner to withdraw 50 percentage of the amount deposited in Motor Accidents Claims Tribunal cum III Additional District Judge (PCR) Court Madurai in M.C.O.P.No. 692/2013 by this Honourable Court order in C.M.P. (MD) 1880/2017 dated 01.03.2017.

PRAYER IN C.M.A.(MD)No.172 of 2017:

To set aside the fair and decreetal order dated 02.06.2016 made in MCOP No.692 of 2013 on the file of Motor Accident Claims Tribunal,(III Additional District Judge,(PCR) Madurai), 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 M/S.R.MURUGAPOOPATHY, Advocate for the petitioner and of M/S.S.SRINIVASA RAGHAVAN, Advocate on behalf of the Respondent No.1, the court made the following order:-



[Order of the Court was made by **S.S.SUNDAR, J.**]

This petition is filed to permit the petitioner to withdraw 50% of the amount deposited in M.C.O.P.No.692 of 2013, on the file of Motor Accidents Claims Tribunal cum III Additional District Judge (PCR) Court, Madurai.

2.This Court, by an order dated 01.03.2017 in C.M.P(MD) No.1880 of 2017, has granted an order of interim stay on condition that the first respondent should deposit 50% of the amount awarded by the Tribunal to the credit of the proceedings in M.C.O.P.No.692 of 2013. Accordingly, it is reported that the first respondent/appellant has deposited 50% of the amount awarded by the tribunal.

3.Considering the nature of the claim and the award of the Tribunal, the first respondent has no serious objection to allow this petition. Therefore, this petition is ordered and the petitioner is permitted to withdraw 50% of the amount deposited with accrued interest in M.C.O.P.No.692 of 2013, on the file of the Motor Accidents Claims Tribunal cum III Additional District Judge (PCR) Court, Madurai.

sd/-

25/08/2022

/ TRUE COPY /

/09/2022

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

CP

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL CUM
III ADDITIONAL DISTRICT JUDGE (PCR) COURT MADURAI.

+1. C.C. to M/S.R.MURUGAPOOPATHY Advocate SR.No.9091

+1. C.C. to M/S.S.SRINIVASA RAGHAVAN, Advocate, SR.No. 40633(F)

ORDER

IN

C.M.P. (MD) No.1980 of 2022
in

C.M.A. (MD) No.172 of 2017

Date :25/08/2022

RK/SVR/SAR-II (05/09/2022) 2P/4C