



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

Friday, the First day of April Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

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CMP(MD) No.10824 of 2021

IN

CMA(MD)No.564 of 2020

1 MARUTHA MUTHU
2 MASILAMANI
3 SONA MUTHU
4 MUTHURASU

... PETITIONERS/RESPONDENTS

No.1 TO 4

Vs

1 KASAVAN

... RESPONDENT No.1/APPELLANT

2 RAMESH

3 ANBAZHGAN

4 BRANCH MANAGER,
THE UNITED INDIA INSURANCE COMPANY LIMITED,
DEVA ILLAM, OPP OT KUMARAIYYA TEMPLE,
RAMESHWARAM ROAD,
RAMANATHAPURAM.

... RESPONDENT Nos.2 TO 4/
RESPONDENT Nos.T 50 7

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 to withdraw 50 percent of the award amount deposited to the credit of CMA(MD) No. 564 of 2020 pending on the file of this Hon'ble Court pending disposal of the main Civil Miscellaneous Petition.

Prayer in CMA(MD) . 564/ 2020 :

To set aside the fair and decreetal order dated 26-09-2019 made in M.C.O.P.No.127 of 2019 on the file of teh Motor Accident Claims Tribunal(Principal District and Sessions Judge), Ramanathapuram 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.V.SUKUMAR, Advocate for the petitioners and of Mr.A.SHAJAHAN, Advocate on behalf of the 4th Respondent, the court made the following order:-

This petition is filed to withdraw 50 % of the award amount deposited to the credit of C.M.A.(MD)No.564 of 2020.

<https://hcservices.ecourts.gov.in/hcservices/>



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

2. The learned counsel for the petitioners/respondents 1 to 4 seeks permission of this Court to withdraw 50% of the award amount deposited before the Tribunal.

3. The learned counsel for the Insurance Company has no objection for withdrawal of 50% of the award amount by the petitioners/respondents 1 to 4.

4. By an order dated 26.09.2019, the Tribunal has exonerated the Insurance Company and hence, challenging the said order of exoneration exonerating the Insurance Company from liability, the vehicle owner has filed the present appeal.

5. By order dated 23.11.2020, the owner of the vehicle had already deposited 50% of the award amount with accrued interest and cost before the Motor Accidents Claims Tribunal, Principal District and Sessions Judge, Ramanathapuram in M.C.O.P.NO.127 of 2016

6. In view of the above, the petitioners/respondents 1 to 4 are permitted to withdraw a sum of Rs.4,00,000/- (Rupees four lakhs only) of the deposited amount with proportionate accrued interest and costs as apportioned by the Tribunal, by filing appropriate application before the Tribunal.

7. With the above direction, this Miscellaneous Petition is allowed.

sd/-
01/04/2022

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/ /2022

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

TO

THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
RAMANATHAPURAM.

+1. C.C. to M/S.M.BOOPATHI PANDIYAN, Advocate SR.No.2837

ORDER IN

CMP(MD) No.10824 of 2021
IN

CMA(MD) No.564 of 2020

Date : 01/04/2022