



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

Friday, the Twenty Fifth day of March Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and

The Hon`ble Mr.Justice N.SATHISH KUMAR

CMP(MD) No.2291 of 2022

IN

CMA(MD) No.751 of 2021

1 DHANAMMAL

2 CHIDAMBARAM KOLAM

... PETITIONERS/RESPONDENTS 1 & 2

Vs

1 NATIONAL INSURANCE COMPANY LTD,
THROUGH ITS DIVISIONAL MANAGER,
DIVISIONAL OFFICE, DOOR NO.81-D,
NORTH CAR STREET, TIRUCHENKODU,
S.N.HIGH ROAD,
TIRUNELVELI JUNCTION.

... 1ST RESPONDENT/APPELLANT

2 MURUGAVEL

3 CHANDRASEKARAN

4 SIRAS RAJAN

5 UNITED INDIA INSURANCE COMPANY LIMITED,
THROUGH ITS DIVISIONAL MANAGER,
DIVISIONAL OFFICE, DOOR NO.1/45B,
MONDAY MARKET, 2ND FLOOR, JPC BUILDING,
KULACHEL ROAD, POST OFFICE STREET,
PALAYAMKOTTAI.

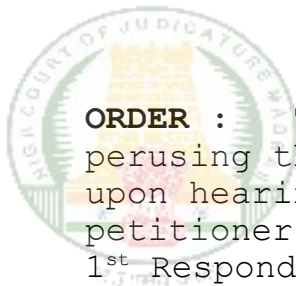
... RESPONDENTS 2 TO 5/
RESPONDENTS 3 TO 6

[R3 TO R5 WERE SET EXPARTE AND R6 IS NOT
A NECESSARY PARTY FOR ADJUDICATION :
NOTICE DISPENSED WITH]

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 percentage of the award amount along with accrued interest deposited to the Credit of M.C.O.P.No.148 of 2018 on the file of the Learned Motor Accident Claims Tribunal (1st Additional District Court), Tirunelveli pending disposal of the above Civil Miscellaneous Petition.

Prayer in CMA(MD) . 751/ 2021 :

To set aside the Judgment and Decree in M.C.O.P.No. 148 of 2018 dated 30.03.2021 on the file of the Motor Accidents Claims Tribunal, I Additional District Court, Tirunelveli and allow the appeal with costs.



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.T.SELVAKUMARAN, Advocate for the petitioner and of MR.J.S.MURALI, Advocate on behalf of the 1st Respondent, the court made the following order:-

The petitioners seek permission to withdraw the amount that is admitted by the insurance company as a reasonable compensation.

2.Heard the learned counsel on either side.

3.By an interim order, dated 27.08.2021, the insurance company has been directed to deposit 50% of the award amount with accrued interest to the credit of M.C.O.P.No.148 of 2018, on the file of the I Additional District Court, Motor Accidents Claims Tribunal, Tirunelveli. The insurance company has admitted its liability to the extent of Rs.13,70,000/- (Rupees Thirteen Lakhs and Seventy Thousand only)

4.Therefore, there will be an order permitting the claimants to withdraw a sum of Rs.13,70,000/- (Rupees Thirteen Lakhs and Seventy Thousand only) with accrued interest till the date of deposit made by the insurance company, in the same proportion as awarded by the Tribunal. The remaining amount is directed to be deposited in anyone of the nationalised bank in a fixed deposit for a period of two years with auto renewal clause.

sd/-
25/03/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE I ADDITIONAL DISTRICT JUDGE/
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-2550[I] dated 28/03/2022)

+1 CC to M/s.J.S.MURALI, Advocate (SR-2551[I] dated 28/03/2022)

ORDER IN
CMP(MD) No.2291 of 2022
IN CMA(MD) No.751 of 2021
Date :25/03/2022

RS/SVR/SAR.2(30.03.2022) 2P-4C

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