



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

Wednesday, the Second day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD) No.3197 of 2021

IN

CMA(MD) No.788 of 2019

1 MANIMEGALAI

2 RAMKUMAR

... PETITIONERS/RESPONDENTS 1 & 3

Vs

1 THE BRANCH MANAGER

TATA AIG GENERAL INSURANCE CO.LTD.,

RAJ TOWERS, 1ST FLOOR, NO.6/7,

KARUR BY-PASS ROAD, NEAR KALAINJAR ARIVALAYAM,

TIRUCHIRAPPALLI.

2 DEVENDRAN

3 PREMKUMAR

4 VEERAKUMAR

5 DEVI MANOHARI

... RESPONDENTS/RESPONDENTS

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 their respective shares of 50 percent of the award amount, which was deposited into the credit of MCOP No. 215 of 2015 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Pattukkottai, pending disposal of CMA(MD) No.788 of 2019 on the file of this Honourable court.

Prayer in CMA(MD) . 788/ 2019 :

To set aside the Judgment and Decree dated 15.07.2019 in MCOP No.215 of 2015 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Pattukkottai 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.M.VIJI, Advocate for the petitioner and of MR.J.S.MURALI, Advocate on behalf of the 1st Respondent, the court made the following order:-



This Civil Miscellaneous Petition has been filed to permit the petitioners to withdraw their respective shares of 50% of the award amount, which was deposited into the credit of MCOP No.215 of 2015 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Pattukkottai.

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

3. Considering the fact that the liabilities as well as the quantum are under challenge, I am inclined to allow only 50% of the amount deposited.

4. Accordingly, this Civil Miscellaneous Petition is allowed and the petitioners are permitted to withdraw 50% of the amount deposited with proportionate accrued interest and costs, as per the ratio of apportionment made by the Tribunal, by filing appropriate application before the Tribunal.

sd/-
02/03/2022

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

TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
PATTUKKOTTAI.

+1 CC to M/s.J.S.MURALI, Advocate (SR-1661[I] dated 03/03/2022)

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-1673[I] dated 03/03/2022)

ORDER
IN
CMP(MD) No.3197 of 2021
IN
CMA(MD) No.788 of 2019
Date :02/03/2022

RS/SBN/SAR.3(09.03.2022) 2P-4C