



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

Thursday, the Tenth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD) No.2015 of 2022
IN
CMA(MD)No.1031 of 2021

1 KANNAN
2 KALAISELVI

... PETITIONERS/1st AND 2nd
RESPONDENT

Vs

1 THE MANAGING DIRECTOR
METROPOLITAN TRANSPORT CORPORATION (CHENNAI),
PALLAVAN HOUSE,ANNA SALAI,
CHENNAI-600 002.

... 1st RESPONDENT/APPELLANT

2 M/S.ORIENTAL INSURANCE CO.LTD,
CB 02, TIRUCHY,73/B-1,SALAI ROAD,
LAKSHMI COMPLEX,THILLAI NAGAR,
TRICHY-18.

... 2nd RESPONDENT/3rd 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 withdraw a sum Rs.49,43,685/- with interest as deposited by the appellant in C.M.A.(MD)No.1031 of 2021 against M.C.O.P.No.1503 of 2014 on the file of the Motor Accident Claims Tribunal/Special District Court, Trichy.

Prayer in CMA(MD). 1031/ 2021 :

Pleased to allow this appeal, set aside the award and decree made in MCOP No.1503 of 2014 dated 20.01.2020 on the file of the Motor Accident Claims Tribunal/Special District Court, Tiruchirapalli.

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.RAJESWARI, Advocate for the petitioner and of Mr.P.PRABHAKARAN, Advocate on behalf of the 1st Respondent and Mr.C.JAWAKAR RAJENDRAN, Advocate for the 2nd Respondent, the court made the following order:-

This Civil Miscellaneous Petition is filed to permit the petitioners to withdraw a sum of Rs.49,43,685/- with interest, as



deposited by the appellant in C.M.A. (MD) No. 1031 of 2021.

2. Heard the learned counsel for both sides.

3. The learned counsel for the petitioners and the learned counsel for the respondents would contend that though the interim order was granted by this Court, the Transport Corporation ought to have deposited the amount on or before 10.01.2022. However, the appellant deposited a sum of Rs.49,43,685/- instead of Rs.50,70,801/- on 14.02.2022. Taking into consideration the plea raised by the Transport Corporation and also the pitiable condition of the family, I am inclined to grant permission to the petitioners to withdraw a sum of Rs.35,00,000/- (Rupees Thirty Five Lakhs) deposited by the Transport Corporation.

4. Accordingly, this petition is allowed.

sd/-

10/03/2022

/ TRUE COPY /

/ /2022

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

TO

THE SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TRICHY.

+1. C.C. to M/S.S.M.S.JOHNNY BASHA, Advocate SR.No.1913

ORDER

IN

CMP(MD) No.2015 of 2022

IN

CMA(MD)No.1031 of 2021

Date :10/03/2022

SA/PN/SAR.3/17.03.2022/2P/3C