



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

Thursday, the Seventh day of April 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.3225 of 2022

in

C.M.A.[MD]No.1034 of 2021

1. A.SATHYA

2. P.ALAGAPPAN

... PETITIONERS/RESPONDENTS 1&2

Vs

1. RELIANCE GENERAL INSURANCE COMPANY LTD.,
NO.89, VIVAIN PLAZA, FIRST FLOOR,
100 FEET ROAD, MUTHALIARPETTAI,
PUDUCHERRY.

THROUGH ITS BRANCH MANAGER.

... 1st RESPONDENT/APPELLANT

2. J.SURESH

... 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 petitioners to withdraw entire deposited amount to the credit of M.C.O.P.No.198 of 2017 on the file of the Motor Accident Claims Tribunal (Principal District Judge), Sivagangai pending disposal of the above Civil Miscellaneous Petition.

Prayer in CMA(MD) . 1034/2021 :

To set aside the judgment and decree dt 16th October, 2020 passed in MCOP No 198 of 2017 on the file of the Motor Accident Claims Tribunal, Sivagangai/Principal District Judge of Sivagangai by allowing this 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.M.MADHAVA GOVINDAN, Advocate for the petitioner and of MR.V.SAKTHIVEL, Advocate on behalf of the Respondents, the court made the following order:-

The petitioners are the claimants, namely, wife and parents of the deceased by name Alagappan, who died in a motor accident that occurred on 12.06.2016. The claimants seek withdrawal of a portion of the compensation that has been awarded by the Tribunal pending appeal. By an interim order dated 25.11.2021, stay of execution of



the award was granted on condition that the appellant / Insurance Company deposits 75% of the award amount with proportionate interest and costs.

2.Mr.V.Sakthivel, learned counsel appearing for the Insurance Company would submit that the interim order of this Court has been complied with. He would further contend that the quantum of compensation that is awarded by the Tribunal, is highly excessive. Since the Tribunal has adopted 50% towards future prospects, it has not deducted 50% for personal expenses of the deceased, who was admittedly working in Singapore.

3.On the other hand, Mr.M.Madhava Govindan, learned counsel appearing for the petitioners / claimants would submit that the Tribunal has adopted multiplier 13 instead of 17.

4.Considering the overall circumstances, we are of the opinion that the claimants could be allowed to withdraw 50% of the total compensation awarded by the Tribunal with proportionate interest and costs. The balance amount, that is deposited by the Insurance Company, is directed to be refunded to the Insurance Company, to be redeposited after the disposal of the appeal in accordance with the result of the appeal. The amount, that is permitted to be withdrawn, is to be shared by the claimants equally as directed by the Tribunal.

5.In view of the above, this Civil Miscellaneous Petition is allowed.

sd/-
07/04/2022

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

TO

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SIVAGANGAI.

+1 CC to M/s.N.MADHAVA GOVINDAN, Advocate (SR-3064[I] dated 07/04/2022)

ORDER
IN
CMP(MD) No.3225 of 2022 in
C.M.A.[MD]No.1034 of 2021
Date :07/04/2022

USK/VR/SAR-I/12.04.2022/2P/3C

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