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CMP(MD)



22

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

Thursday, the Fourteenth day of July Two Thousand and Twenty Two
PRESENT

The Hon`ble Mrs.Justice **R.THARANI**

CMP(MD)No.5869 of 2022

in

CMA(MD)No.680 of 2022

THE UNITED INDIA INSURANCE COMPANY LTD,
TENKASI, REP THROUGH ITS DIVISIONAL MANAGER
HAVING OFFICE AT DOOR NO. 37/7,
2ND FLOOR, NEEL COMPLEX, MATTAPPA STREET,
TIRUNELVELI MAIN ROAD, TENKASI KASPA,
TENKASI TALUK, TIRUNELVELI DISTRICT.

... PETITIONER/APELLANT

Vs

1 KALIAPPAN

2 MARY

3 VIMALA

4 ARULRAJ

5 SRI BALAJI ENTERPRISES (OWNER),
THROUGH ITS PROPRIETOR
MRS. S. NITHIYAKALYANI
HAVING ITS OFFICE AT OLD
DOOR NO. 71, NEW DOOR NO. 190,
SOUTH MASI STREET,
TENKASI - 627 811

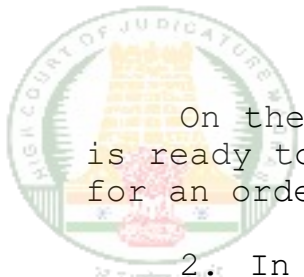
... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay the operation of and all further proceedings pursuant to order passed in MCOP No. 126 of 2019 dated 19.11.2021 by the Learned Motor Accidents Claims Tribunal, Tenkasi / Additional District Court (FTC) Tenkasi pending disposal of the main appeal.

Prayer in CMA(MD). 680/ 2022 :

Civil Miscellaneous Petition filed under section 173 of Motor Vehicles Act to set aside the Fair and Decreetal order passed by the Learned Motor Accidents Claims Tribunal, Tenkasi / Additional District Court (FTC) Tenkasi in MCOP No. 126 of 2019 dated 19.11.2021 as against the appellant and allow the 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.N.DILIP KUMAR, Advocate for the Respondents 1 to 3, while admitting the CMA., the court made the following order:-



On the side of the petitioner, it is stated that the petitioner is ready to deposit the admitted amount of Rs.22,92,000/- and prayed for an order of stay.

2. In view of the submission made by the learned counsel for the petitioner, there shall be an order of Stay on condition that the petitioner/ appellant shall deposit the admitted amount of Rs.22,92,000/- with proportionate interests and costs, awarded in M.C.O.P.No.126 of 2019, on the file of the Motor Accident Claims Tribunal - Additional District Court (FTC), Tenkasi, within a period of four weeks from the date of this order, to the credit of M.C.O.P.No.126 of 2019, on the file of the Motor Accident Claims Tribunal - Additional District Court (FTC), Tenkasi, failing which, stay granted shall stand automatically dismissed.

3. On the side of the claimants, it is stated that the claimants may be permitted to withdraw the amount to be deposited by the petitioner.

4. The learned counsel for the petitioner has no objection in disbursing the amount to the claimant.

5. In view of the same, the major claimants are permitted to withdraw that amount to be deposited by the petitioner as apportioned by the Tribunal.

6. This Petition is allowed accordingly.

sd/-

14/07/2022

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/07/2022

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

TO

THE ADDITIONAL DISTRICT JUDGE (FTC) /
MOTOR ACCIDENTS CLAIMS TRIBUNAL, TENKASI.

+1. C.C. to M/S.N.DILIP KUMAR Advocate SR.No.7194

ORDER

IN

CMP (MD) No.5869 of 2022

in

CMA (MD) No.680 of 2022

Date :14/07/2022

RK/JM/SAR-II/21.07.2022/2P/3C

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