



WEB COPY

C.M.P(MD)



22

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

Wednesday, the Seventeenth day of August Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR
and
The Hon`ble Mrs.Justice S.SRIMATHY
C.M.P(MD)No.5709 of 2022
in
C.M.A.(MD) No.771 of 2019

1 S. MALARKODI

2 S. KUBENDRAPANDIAN

... PETITIONER/RESPONDENTS

Vs

THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM LTD,
KARAIKUDI DIVISION,
THENI DISTRICT.

... RESPONDENT/APELLANT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the 1st petitioner to withdraw the amount deposited by the respondent / appellant herein in MCOP No. 219 of 2015, on the file of the Motor Accident Claim Tribunal (Additional District Judge (FTC) Theni and pass any other suitable order this Honourable Court may deem fit and proper and thus render justice.

PRAYER IN C.M.A.(MD) No.771 of 2019:

To set aside the impugned award passed in MCOP.No.219 of 2015 on the file of the MACT(Additional District Judge(FTC), Theni dated 30.10.2018 and pass any other order deem fit to the facts and circumstances of the case.

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.S. BALAJI, Advocate for the petitioners and of M/S.P.M.VISHNUVARTHANAN, Advocte on behalf of the Respondent the court made the following order:-

[Order of the Court made by **S.S.SUNDAR, J.**]

This petition is filed to permit the 1st petitioner to withdraw the amount deposited by the respondent / appellant herein in M.C.O.P.No.219 of 2015, on the file of the Motor Accidents Claims Tribunal (Additional District Judge, Fast Track Court), Theni.



2. Heard Mr.S.Balaji, learned counsel for the petitioners and Mr.P.M.Vishnuvarthanan, learned counsel for the respondent.

3. The Tribunal has awarded compensation only in favour of the first petitioner, who is the mother of the deceased. Pursuant to the direction imposed by this Court to deposit 75% of the award amount to the credit of M.C.O.P.No.219 of 2015, it is submitted that the appellant Corporation has deposited the amount. The petitioners, who are respondents in the appeal/claimants, have filed this petition for permitting the 1st petitioner to withdraw the amount deposited by the respondent to the credit of M.C.O.P.No.219 of 2015, on the file of the Motor Accidents Claims Tribunal (Additional District Judge, Fast Track Court), Theni.

4. The respondent Corporation has filed the appeal only against the quantum of compensation. Hence, this petition is partly allowed and the first petitioner is permitted to withdraw 50% of the amount deposited by the respondent / appellant to the credit of M.C.O.P.No.219 of 2015, on the file of the Motor Accidents Claims Tribunal (Additional District Judge, Fast Track Court), Theni.

sd/-

17/08/2022

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/08/2022

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

sj

TO

1.THE ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL (FAST TRACK COURT), THENI.

2.THE MANAGING DIRECTOR
TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM LTD, KARAIKUDI DIVISION,
THENI DISTRICT.

+1. C.C. to M/S.S. BALAJI Advocate SR.No.8638

ORDER

IN

C.M.P(MD)No.5709 of 2022
in

C.M.A.(MD) No.771 of 2019

Date :17/08/2022