



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

C.M.P. (MD) No. 5890 of 2021

in

C.M.A. (MD). No. 301 of 2020

MURALIDHARAN

... PETITIONER/ 1st RESPONDENT

Vs

1 THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LTD.,
MANOJIYAPPA STREET,
THANJAVUR TOWN,
THANJAVUR DISTRICT.

2 RAMAMOORTHY ... 2nd RESPONDENT/ 2nd RESPONDENT
(NOTICE TO THE 2ND RESPONDENT IS DISPENSED
WITH) .

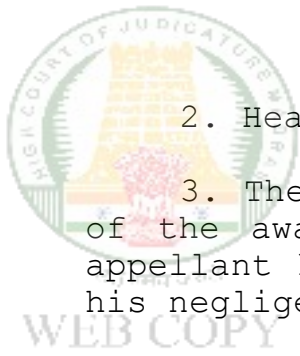
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw 50 percentage of the award amount into the credit of M.C.O.P.No.94 of 2016 on the file of the learned Motor Accidents Claims Tribunal (III Additional District and Sessions Judge), Thanjavur @ Pattukkottai, pending disposal of C.M.A.(MD)No.301 of 2020 on the file of this Honourable Court.

Prayer in CMA(MD). 301/ 2020 :

To set-aside the Decree and Judgment dated 06.12.2018 made in M.C.O.P.No.94 of 2016 on the file of III Additional District Judge, Thanjavur at Pattukottai.

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 Mr.S.DEENADHAYALAN, Advocate for the petitioner and of MR.A.ILANGO, Advocate on behalf of the 1st Respondent, the court made the following order:-

This Civil Miscellaneous Petition is filed to permit the petitioner to withdraw 50% of the award amount into the credit of M.C.O.P. No. 94 of 2016 on the file of the learned Motor Accidents Claims Tribunal (III Additional District and Sessions Judge), Thanjavur @ Pattukkottai, pending disposal of C.M.A. (MD) No. 301 of



2. Heard the learned counsel for both sides.

3. The appellant / Insurance Company have already deposited 50% of the award amount. In the appeal, the learned counsel for the appellant has raised a point that the injured has also contributed his negligence for the accident that took place.

4. Taking into consideration the plea raised by the Insurance Company, I am inclined to grant permission to withdraw a sum of Rs.4,75,000/- (Rupees Four Lakhs Seventy Five Thousand Only) deposited by the Insurance Company.

5. 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

1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
THANJAVUR @ PATTUKKOTTAI.

ORDER
IN
C.M.P. (MD) No. 5890 of 2021
in
C.M.A. (MD). No. 301 of 2020
Date :10/03/2022

vji
MK/PN/SAR.I/17.03.2022/2P/2C