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C.M.P(MD)



21

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

Tuesday, the Fifth day of July 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.8144 of 2021
in
C.M.A (MD) No.497 of 2021

CMP (MD) No.8144 OF 2021

1 SUBHA

2 MINOR.KAVIYALAKSHMI

3 MINOR.NITHIYASHRI,

(MINORS REPRESENTED THROUGH THEIR
MOTHER, NEXT GUARDIAN AND GUARDIAN THE
FIRST PETITIONER, SUBHA HEREIN)

4 SENTHAMARAI

... PETITIONERS / RESPONDENTS 1 TO 4

Vs

1 M/S RELIANCE GENERAL INSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
NO.19, RELIANCE CENTRE,WALCHAND HIRACHAND MARG,
BALLARD ESTATE,
MUMBAI-400 001.

... 1st RESPONDENT / APPELLANT

2 SAI VISHWAS PLAS.TEK PRIVATE LIMITED,
THROUGH ITS MANAGER,
OFFICE AT S.F.NO.288/6,
KOTTAMPATTAI,PAKKOTHIPALAYAM,
POLLACHI, COIMBATORE DISTRICT. ... 2nd RESPONDENT / 5th RESPONDENT

(THE SECOND RESPONDENT HEREIN WAS SET
EXPARTE BEFORE THE TRIBUNAL AND NO
RELIEF IS CLAIMED AGAINST THE SECOND
RESPONDENT AND HENCE THE SECOND
RESPONDENT IS GIVEN UP)

C.M.A (MD) No.497 of 2021

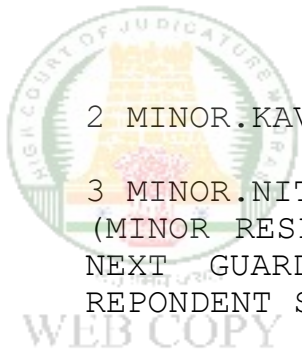
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
THROUGH ITS BRANCH MANAGER,
NO.19, RELIANCE CENTRE,WALCHAND HIRACHAND MARG,
BALLARD ESTATE,
MUMBAI-400 001.

...APPELLANT/RESPONDENT NO.2

-VS-

1 SUBHA

<https://www.mhc.tn.gov.in/judis>



2 MINOR.KAVIYALAKSHMI

3 MINOR.NITHIYASHRI,
(MINOR RESPONDENTS THROUGH THEIR MOTHER,
NEXT GUARDIAN AND GUARDIAN THE FIRST
REPODENT SUBHA HEREIN)

4 SENTHAMARAI

....RESPONDENTS 1 TO 4 /PETITIONERS

5 SAI VISHWAS PLAS TEK PRIVATE LIMITED,
THROUGH ITS MANAGER,
OFFICE AT S.F.NO.288/6,
KOTTAMPATTAI, PAKKOTHIPALAYAM. ...RESPONDENT NO.5/RESPONDENT NO.1

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order to permit the petitioner to withdraw the 50% of the award amount with accrued interest and costs which was deposited in the credit of MCOP No.1585 of 2015 on the file of Motor Accident Claims Tribunal, Special Sub Judge dealing with the MCOP Cases, Tirunelveli in pursuant to the direction of this Hon'ble Court by its order dated 01/06/2021 in CMP(MD).No.4357 of 2021 in CMA(MD). NO.497 of 2021.

PRAYER IN C.M.A(MD)No.497 of 2021:

To set aside the judgment and decree dated 10th December, 2019 passed in MCOP.No.1585 of 2015 on the file of the Motor Accident Claims Tribunal, Tirunelveli/Special Sub Judge dealing with MCOP Cases, Tirunelveli by allowing this appeal.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.V.SASI KUMAR, Advocate for the petitioners in CMP(MD)No.8144 of 2021 and for the Respondents 1 to 4 in CMA(MD)No.497 of 2021 and of MR.V.SAKTHIVEL, Advocate on behalf of the 1st Respondent in CMP(MD)No. 8144 of 2021 and for Appellant in CMA(MD)No. 497 OF 2021, the court made the following order:-

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

This petition is filed to permit the petitioners to withdraw 50% of the award amount with accrued interest and costs, which was deposited in the credit of MCOP No.1585 of 2015 on the file of the Motor Accident Claims Tribunal, Special Sub Judge dealing with MCOP cases, Tirunelveli, in pursuant to the direction of this Court passed in C.M.P(MD)No.4357 of 2021 dated 01.06.2021.

2.Heard Mr.V.Sasi Kumar, learned counsel appearing for the petitioner and Mr.V.Sakthivel, learned counsel appearing for the respondents.



3.The learned counsel appearing for the respondent/ Insurance Company states that the entire award amount had already been deposited before the Tribunal.

4.The first petitioner is the wife of the deceased and the second and third petitioners are the minor children of the deceased and the fourth respondent is the mother of the deceased.

5.In such circumstances taking into account that the respondent/appellant/Insurance Company does not dispute the liability and the appeal is primarily on the question of quantum, this Court is inclined to grant permission. Accordingly, the first and fourth petitioners are permitted to withdraw 50% of their respective shares in the amount lying in Court deposit in M.C.O.P.No.1585 of 2015, with accrued interest and costs, which was awarded in favour of each of them as per the award of the Tribunal. The second and third petitioners are permitted to withdraw their accrued interest corresponding to the amount that is reserved for minors by the Tribunal.

6. Accordingly, this Civil Miscellaneous Petition is ordered.

7.The interim stay already granted in C.M.P.(MD) No.4357 of 2021, is made absolute.

sd/-

05/07/2022

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/07/2022

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

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
SPECIAL SUB JUDGE DEALING WITH MCOP CASES,
TIRUNELVELI.

+1. C.C. to Mr.V.SASI KUMAR Advocate SR.No.6656.

ORDER

IN

C.M.P(MD)No.8144 of 2021
in

C.M.A(MD)No.497 of 2021

Date :05/07/2022

PKP/SVR/SAR-3/14.07.2022/3P/3C