



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

CMP(MD) No.7539 of 2021

and

CMA(MD)No.482 of 2021

1 SUGAPRIYA

2 MINOR MAHATHI

(MINOR 2ND PETITIONER REP BY MOTHER AND
GUARDIAN SUGAPRIYA)

... PETITIONERS/RESPONDENTS 1 & 2

Vs

1 M/S. RELIANCE GENERAL INSURANCE COMPANY,,
REPRESENTED BY ITS BRANCH MANAGER,
SRI MEENAKSHI PLAZA, 1ST FLOOR,
PLOT NO.JOG 55, 80 FEET ROAD, ANNA NAGAR,
MADURAI -20.

...RESPONDENT/APPELLANT

2 M.THIRUMURUGAY

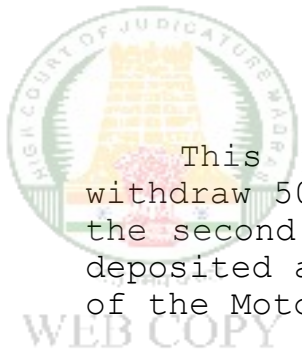
...2ND RESPONDENT/3RD RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the 1st petitioner to withdraw 50 percent of the award amount with accrued interest and to permit the 2nd petitioner to withdraw accrued interest in remaining deposited amount into the credit of MCOP No.33 of 2017, on the file of the Special District Judge to Deal with Motor Accident Cases of Madurai, pending disposal of CMA(MD).No.482 of 2021 on the file of this Hon`ble Court.

Prayer in CMA(MD). 482/ 2021 :

To set aside the judgment and decree dated 06.03.2020 passed in MCOP.No.33 of 2017 on the file of the Special District Judge to Deal with Motor Accident cases of Madurai 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.S.SARAVANA KUMAR, Advocate for the petitioner and of M/S.V.SAKTHIVEL, Advocate on behalf of the Respondent No.1, the court made the following order:-



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

This petition is filed to permit the first petitioner to withdraw 50% of the award amount with accrued interest and to permit the second petitioner to withdraw the accrued interest in remaining deposited amount to the credit of M.C.O.P.No.33 of 2017, on the file of the Motor Accident Cases, Special District Judge, Madurai.

2.Heard Mr.S.Saravana Kumar, learned counsel appearing for the petitioner.

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 petitioner is the minor daughter of the deceased.

5.Having regard to the facts 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 petitioner is permitted to withdraw 40% of her share in the amount lying in Court deposit in M.C.O.P.No.33 of 2017, with accrued interest and costs and to permit the second petitioner to withdraw the accrued interest corresponding to the amount that is reserved for minor by the Tribunal.

6. Accordingly, this Civil Miscellaneous Petition is ordered.

7.The interim stay already granted in C.M.P.(MD) No.4272 of 2021, is made absolute.

sd/-

05/07/2022

/ TRUE COPY /

/07/2022

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

TO
THE SPECIAL DISTRICT JUDGE,
MOTOR ACCIDENT CASES,
MOTOR ACCIDENT CLAIMS TRIBUNAL, MADURAI.

+1. C.C. to M/S.S.SARAVANA KUMAR Advocate SR.No.6639

ORDER

IN

CMP(MD) No.7539 of 2021 &

CMA(MD)No.482 of 2021

Date :05/07/2022