



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

Friday, the Fourteenth day of October Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN
and

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

C.M.P. (MD)Nos.8145 and 8756 of 2021
in
C.M.A. (MD)Nos.113 and 114 of 2021

1 SUJITHRA
2 MONICKA

... PETITIONERS/RESPONDENT 1&2/
RESPONDENT 1 & 2
IN CMP(MD) No.8145/2021 in
CMA(MD) No.113/2021

1 SUJITHRA
2 MONICKA
3 ROMENAMMAL

... PETITIONERS/RESPONDENT 1&3/
RESPONDENT 1 & 3
IN CMP(MD) No.8756/2021 in
CMA(MD) No.114/2021

Vs

1. THE ORIENTAL INSURANCE COMPANY LIMITED,
THROUGH IT'S REGIONAL MANAGER,
GOPALRAO LIBRARY BUILDING,
TOWN HALL ROAD, KUMBAKONAM TOWN,
THANJAVUR.

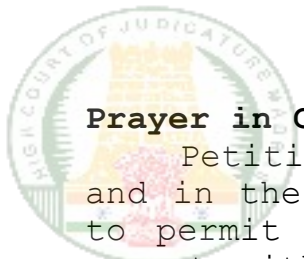
... 1st RESPONDENT/PETITIONER/
APPELLANT
IN BOTH PETITIONS

2. THE PROPRIETOR,
M/S. THIRUMANGALAM AUTO SUPPLIES,
NO. 132, TPP KASINAGAR AND SONS,
BPC DEALER, VIRUDHUNAGAR ROAD,
MADURAI TOWN, MADURAI.

3. THE NATIONAL INSURANCE COMPANY LTD.,
THROUGH IT'S REGIONAL MANAGER,
D.NO.1754/56, MANOJIYAPPA STREET,
THANJAVUR TOWN,
THANJAVUR.

... RESPONDENTS 2&3/RESPONDENTS 3&4/
RESPONDENTS 3&4
IN CMP(MD) No.8145/2021 in
CMA(MD) No.113/2021

... RESPONDENTS 2&3/RESPONDENTS 4&5/
RESPONDENTS 4&5
IN CMP(MD) No.8756/2021 in
CMA(MD) No.114/2021

**Prayer in CMP(MD) . 8145/2021 in CMA(MD) . 113/2021 :**

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the Petitioners to withdraw 50 percentage of the award amount with accrued interest in the credit of M.C.O.P. No. 15 of 2018 on the file of Motor Accident Claims Tribunal/III Additional District and Sessions Court, Thanjavur now transfer the said award of 50 percentage in C.M.A.(MD). No. 113 of 2021 before the Indian Bank, High Court Branch, Madurai.

Prayer in CMA(MD) . 113/2021 :

To set aside the Judgment and Decree dated 27.06.2019 passed in MCOP No.15/2018 on the file of the Motor Accidents Claims Tribunal / III Additional District and Sessions Court, Thanjavur camp at Pattukottai.

Prayer in CMP(MD) . 8756/ 2021 in CMA(MD) . 114/2021 :

Pleased to permit the petitioner to withdraw 50 percentage of the award amount with accrued interest in the credit of MCOP No.16 of 2018 on the file of Motor Accident Claims Tribunal/III Additional District and Sessions Court, Thanjavur now transfer the said award of 50 percentage in CMA(MD) No.114 of 2021 before the Indian Bank, High Court Branch, Madurai.

Prayer in CMA(MD) . 114/2021 :

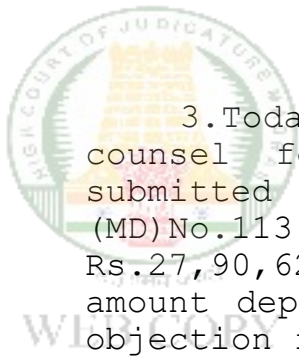
To set aside the Judgment and Decree dated 27.06.2019 passed in MCOP No.15/2018 on the file of the Motor Accidents Claims Tribunal / III Additional District and Sessions Court, Thanjavur camp at Pattukottai.

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 M/S.V.KARUNA, Advocate for the petitioner in both petitions and of MR.J.S.MURALI, Advocate on behalf of the Respondent No.3 in both petitions, the court made the following order:-

[Order of the Court was made by R.MAHADEVAN, J.]

These petitions are filed by the petitioners / claimants, seeking permission to withdraw 50 % of the award amount with accrued interest deposited to the credit of M.C.O.P.Nos.15 and 16 of 2018 on the file of Motor Accident Claims Tribunal / III Additional District and Sessions Court, Thanjavur, now transferred to the credit of C.M.A(MD)Nos.113 and 114 of 2021 before the Indian Bank, Madurai Bench of Madras High Court, Madurai.

2.This Court, by order dated 10.02.2021, has granted interim stay, directing the appellant to deposit 50% of the award amount in both the appeals and the appellant has also complied with the said order.



3.Today, when the matter was taken up for hearing, the counsel for the 1st respondent / appellant Insurance Company submitted that in respect of the award amount deposited in C.M.A.(MD)No.113 of 2021, the appellant has no objection for withdrawal of Rs.27,90,620/- by the claimants therein and in respect of the award amount deposited in C.M.A.(MD)No.114 of 2021, the appellant has no objection for withdrawal of Rs.29,00,500/- by the claimants therein.

4.Considering the reasons stated in the supporting affidavits and the no objection given by the 1st respondent / appellant, these petitions are ordered and the petitioners in C.M.P.(MD)No.8145 of 2021 are permitted to withdraw the amount of Rs.27,90,620/- equally with proportionate accrued interest. As far as C.M.P.(MD)No.8756 of 2021 is concerned, the petitioners 1 and 2 are permitted to withdraw Rs.11,00,000/- each and the 3rd petitioner is permitted to withdraw Rs.7,00,500/- along with proportionate accrued interests. The balance amount shall be kept in the aforesaid Bank deposit, till the disposal of these appeals.

sd/-

14/10/2022

/ TRUE COPY /

/11/2022

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

TO

THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THANJAVUR.

ORDER

IN

C.M.P. (MD)Nos.8145 and
8756 of 2021

in

C.M.A. (MD)Nos.113 and
114 of 2021

Date :14/10/2022

myr

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