



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Eighteenth day of October Two Thousand and Twenty Two

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PRESENT

The Hon`ble Mr.Justice R.MAHADEVAN

and

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

CMP(MD) No.7684 of 2022

IN

CMA(MD) No.715 of 2022

1 VIJAYASAMUNDEESWARI

2 MINOR. PRARTHANA

(MINOR 2ND PETITIONER
REPRESENTED BY HER MOTHER AND
NEXT FRIEND THE FIRST PETITIONER
HEREIN)

3 VICTOR.

4 IRUTHAYAMARY

... PETITIONERS/RESPONDENTS 1 TO 4

Vs

1 M/S.SHRIRAM GENERAL INSURANCE COMPANY LIMITED,
REP BY ITS AUTHORIZED OF SIGNATORY,
E.B.RIICO, INDUSTRIAL AREA,
SITA PURA, JAIIPUR,
RAJASTHAN -302 022.

... 1st RESPONDENT/APELLANT

2 JEYA PRAKASH

3 ESWARAN

4 NATIONAL INSURANCE COMPANY LIMITED,
NO.63, RASI PLAZA, SECOND FLOOR,
WEST PRATHICHINAM ROAD,
KARUR - 639 002.

... RESPONDENTS 2 TO 4 /
RESPONDENTS 5 TO 7

Petition filed praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court may be pleased
to withdraw the 50 percentage of the deposited awarded amount into



the credit of M.C.O.P.No.190 of 2015 on the file of the Additional District Judge, Dindigul pending disposal of C.M.A.(MD).No.715 of 2022 on the file of this Honourable Court.

Prayer in CMA(MD) . 715/2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vehicle Act, to set aside the judgment and decree date 21-12-2021 passed in MCOP.No.190 of 2015 on the file of the Motor Accident Claims Tribunal (Additional District Judge), Dindigul 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.PUGALENDHI, Advocate for the petitioner and of MR.V.SAKTHIVEL, Advocate on behalf of the 1st Respondent and M/S.P.MALINI, Advocate for the 4th Respondent, the court made the following order:-

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

This Civil Miscellaneous Petition has been filed praying to permit the petitioners to withdraw the 50% of the deposited awarded amount, lying in the credit of M.C.O.P.No.190 of 2015, on the file of the Motor Accident Claims Tribunal, Additional District Judge, Dindigul, pending disposal of C.M.A(MD) No.715 of 2022.

2. Heard Mr.S.Pugalandhi, learned counsel for the petitioner; Mr.V.Sakthivel, learned counsel for the first respondent and Ms.P.Malini, learned counsel for the fourth respondent.

3. Pursuant to the conditional order of interim stay granted by this Court vide order dated 25.07.2022, the appellant - Insurance company has deposited 50% of the award amount. Now the claimants seeking permission to withdraw the deposited award amount stating that the petitioners 3 and 4 are senior citizens and the second petitioner is a minor and to meet out the day-to-day expenses, education expenses of the second petitioner and the medical expenses of the petitioners 3 and 4, the petitioners are in need of money. Hence, it is prayed to allow this petition.

4. Considering the reasons stated by the claimants, out of 50% deposited award amount, 25% of the award amount shall be permitted to be withdrawn by the petitioners 1, 3 and 4 equally. Since the second respondent is a minor, his share shall be in the bank deposit till the disposal of this appeal. The interest accruing on the minor's share is permitted to be withdrawn by the first respondent/mother once in three months directly from the Bank till the disposal of this appeal.

5. This petition is allowed with the above terms.



CMP(MD)



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6. Post the matter after four weeks.

sd/-
18/10/2022

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/ TRUE COPY /

/10/2022

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

TO

THE ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
DINDIGUL.

ORDER
IN
CMP (MD) No.7684 of 2022
IN
CMA (MD) No.715 of 2022
Date :18/10/2022

PKN
USK/SBN/SAR- /28.10.2022/3P/2C