



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

Monday, the Fifth day of September Two Thousand and Twenty Two

PRESENT

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The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD).No.7686 of 2022

in

CMA(MD).No. 644 of 2022

1 MUPPIDATHI THANGAM

2 ESAKKIAMMAL

... PETITIONERS/RESPONDENTS 1&2

Vs

1 NATIONAL INSURANCE COMPANY LIMITED,,  
THROUGH ITS DIVISIONAL MANAGER,  
NO.37, C.S.N. HIGH ROAD,TIRUNELVELI.

...1ST RESPONDENT/APELLANT

2 KANAGAVALLIE

...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 petitioners to withdraw the 50 percentage of the award amout with accrued interest and cost which is lying in the credit of MCOP.No.854 of 2016 on the file of Learned Motor Accident Claims Tribunal, Special Sub Judge Dealing with MCOP cases, Tirunelveli.

Prayer in CMA(MD). 644/ 2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vechile Act, to set aside the award in MCOP.No.854 of 2016 dated 27-10-2021 on the file of the Motor Accidents Claims Tribunal,Special Subordinate Court Dealing with MCOP Cases,Tirunelveli and allow the appeal with costs and thus render justice.

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.V.SASI KUMAR, Advocate for the petitioner and of M/S.J.S.MURALI, Advocate on behalf of the Respondent No.1, the court made the following order:-

This Civil Miscellaneous Petition has been filed seeking orders to permit the petitioner to withdraw 50% of the award amount with proportionate interest and cost, which is lying in the credit of M.C.O.P.No.854 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub-Judge, Tirunelveli.

2. The learned counsel for the (\*) **first respondent** would submit that they are disputing the quantum of award amount passed by



3. The learned counsel for the **(\*)first respondent**/, it would submit that they have paid the excess Court fee.

4. Heard both sides and perused the materials available on records.

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5. Considering the facts and circumstances of the case, this Court is inclined to grant permission. Accordingly, the petitioner is permitted to withdraw 50% of the award amount along with proportionate interest and costs, which is lying in the credit of M.C.O.P.No.854 of 2016 on the file of the Motor Accident Claims Tribunal, Special Sub-Judge, Tirunelveli. Registry is directed to calculate the Court fee and if any excess Court fee is paid by the first **(\*) first respondent** /appellant, the same shall be refunded.

sd/-

05/09/2022

**(\*) Corrected and replaced as per order  
of this Hon'ble Court in CMP(MD)No.7686  
of 2022 in CMA(MD)No.644 of 2022 dated  
05.09.2022.**

/ TRUE COPY /

/01/2023

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

das

TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 05/09/2022 ALREADY DESPATCHED**

THE SPECIAL SUBORDINATE JUDGE,  
MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUNELVELI.

COPY TO

1. THE SUB ASSISTANT REGISTRAR(AE),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

2. THE SECTION OFFICER,  
JUDICIAL SECTION,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.J.S.MURALI, Advocate SR.No.9656

+1. C.C. to M/S.V.SASI KUMAR, Advocate, SR.No. 9745

ORDER IN

CMP(MD).No.7686 of 2022

in

CMA(MD).No. 644 of 2022

Date :05/09/2022

RK/SVR/SAR-II(07/09/2022) 2P/6C

PKP/BUC/SAR-1/04.01.2023/2P/6C

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