



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

Wednesday, the Twenty Third day of November Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.9817 of 2022
IN
CMA(MD) No.86 of 2021

ARJUNAN

... PETITIONER/1st RESPONDENT

Vs

1 M/S.UNITED INDIA INSURANCE CO. LTD.,,
REP BY ITS BRANCH MANAGER,
OFFICE AT NO.213/18,
NATTAMAI COMPLEX,
ODAKARAI STREET,
CUMBUM, THENI DISTRICT.

... 1st RESPONDENT/APELLANT

2 MARIMUTHU

3 RAJAPANDI

... 2nd & 3rd RESPONDENTS/
2nd & 3rd RESPONDENTS

(2nd & 3rd RESPONDENTS GIVEN UP)

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit to withdraw the 50 percentage of entire award amount deposited by the 1st respondent to the credit of M.C.O.P.No.29 of 2018 on the file of the Motor Accident Claims Tribunal Cum Chief Judicial Magistrate, Theni.

Prayer in CMA(MD) . 86/ 2021 :

To set aside the order of the Tribunal of MACT cum Chief Judicial Magistrate, Theni made in MCOP No. 29 of 2018 dated 04.08.2020 and allow the appeal with costs.

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.N.TAMILMANI, Advocate for the



petitioner and of Mr.C.JAWAHAR RAVINDRAN, Advocate on behalf of the 1st Respondent, 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.29 of 2018, on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Theni.

2. The learned counsel for the first respondent would submit that the Tribunal has adopted multiplier method for the disability assessed at 15%.

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

4. Considering the facts and circumstances of the case and also the nature of disability, this Court is inclined to grant permission. Accordingly, the petitioner is permitted to withdraw a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) along with proportionate interest and costs, which is lying in the credit of M.C.O.P.No.29 of 2018 on the file of the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Theni, on filing necessary application before the Tribunal.

sd/-

23/11/2022

/ TRUE COPY /

/11/2022

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

TO

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
THENI.

+1. C.C. to M/S.N.TAMILMANI Advocate SR.No.13518

ORDER

IN

CMP(MD) No.9817 of 2022

IN

CMA(MD) No.86 of 2021

Date :23/11/2022

das

SA/VR/SAR.1/25.11.2022/2P/3C