



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

Thursday, the Twenty Fourth day of November Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.10294 of 2022
in
CMA(MD) No.688 of 2022

1 NAGAJOTHI,

2 MINOR. SABARI RAMESH,

(2nd PETITIONER REPRESENT BY HIS MOTHER
AND NATURAL GUARDIAN 1st PETITIONER)

3 BALU,

... PETITIONERS/RESPONDENTS

Vs

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
KARAIKUDI, SIVAGANGAI DISTRICT.

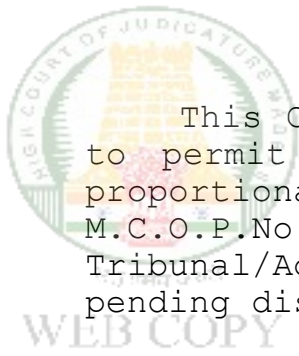
... RESPONDENT/APELLANT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw deposited amount into the credit of M.C.O.P. No. 116/2017, on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, Ramanathapuram, pending disposal of CMA.(MD). No. 688 of 2022 on the file of this Honourable Court.

Prayer in CMA(MD) No. 688/ 2022 :

Civil Miscellaneous Petition filed under section 173 of Motor Vehicles Act to set aside the impugned award passed in MCOP. No. 116 of 2017 dated 27.09.2021 on the file of the MACT (Additional District Court), Ramanathapuram.

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.J.M.HASSANUL BAZARI, Advocate for the petitioner and of MR.S.MADASAMY, Advocate on behalf of the Respondent, the court made the following order:-



This Civil Miscellaneous Petition has been filed seeking permission to permit the petitioner to withdraw the deposited amount with proportionate interest and cost, which is lying in the credit of M.C.O.P.No.116 of 2017, on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, Ramanathapuram, pending disposal of C.M.A.(MD).No. 688 of 2022.

2. The learned counsel for the respondent/appellant would submit that they have deposited the entire award amount with interest and costs and they are not having any objections to allow this petition.

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

4. 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.116 of 2017 on the file of the Motor Accident Claims Tribunal/Additional District and Sessions Judge, Ramanathapuram, on filing necessary application before the Tribunal.

sd/-

24/11/2022

/ TRUE COPY /

/11/2022

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

TO

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

+1 CC to M/s.J.M.HASSANUL BAZARI, Advocate (SR-13606[I] dated 24/11/2022)

ORDER

IN

CMP(MD) No.10294 of 2022
in

CMA(MD)No.688 of 2022

Date :24/11/2022

das