



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

Wednesday, the Fourteenth day of December Two Thousand and
Twenty Two

WEB COPY

PRESENT

The Hon`ble Mrs.Justice N.MALA

C.M.P(MD)No.10572 of 2022
in
C.M.A. (MD) .No.544 of 2022

1 PAULRAJ

2 SHENBAGAVALLI

3 KUMUTHA

... PETITIONERS/RESPONDENTS 1 TO 3

Vs

1 M/S. UNITED INDIA INSURANCE COMPANY LIMITED,,
DIVISIONAL OFFICE, NO.1 POST OFFICE ROAD,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

...1ST RESPONDENT/APPELLANT

2 P. MARIAMMAL

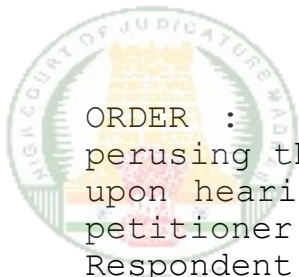
3 M/S. NATIONAL INSURANCE COMPANY LIMITED,,
1ST FLOOR, NO.135-1, ROSE BUILDING,
MAIN ROAD, KOVILPATTI,
TUTICORIN DISTRICT.

... RESPONDENTS 2&3/
RESPONDENTS 4 & 5

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 Amount and entire accrued interest in the above C.M.A. (MD). No. 544/2022 and the amount was deposited in M.C.O.P. No. 319 of 2016 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli.

Prayer in CMA(MD). 544/ 2022 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to allow this memorandum of civil miscellaneous petition against fair and decretal order dated 16-09-2021 made in MCOP.No.319 of 2016 on the file of the Motor Accident Claims Tribunal (Special Sub Court, Tirunelveli.



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S V.ESAKKI MUTHU, Advocate for the petitioner and of M/S.B.RAJESH SARAVANAN, Advocate on behalf of the Respondent No.1, the court made the following order:-

WEB COPY

This petition is filed to withdraw 50% of the award amount and accrued interest in C.M.A.(MD)No.10572 of 2022 which was deposited in M.C.O.P.No.319 of 2016 on the file of the Motor Accident Claims Tribunal (Special Sub Court), Tirunelveli.

2. The learned counsel for the insurance company submits that as per the direction of this Court, 50% of the award amount, (ie) a sum of Rs.8,27,501/- was deposited. The only issue to be decided in the appeal is as to negligence.

3. The petitioner is permitted to withdraw 50% of the amount deposited by the Insurance Company (ie) Rs.4,13,750.50/- pending appeal.

4. Post the matter on 04.01.2023.

sd/-
14/12/2022

/ TRUE COPY /

/12/2022

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

sn

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL (SPECIAL SUB COURT),
TIRUNELVELI.

+1 CC to M/s.B.RAJESH SARAVANAN, Advocate (SR-14972[I] dated 16/12/2022)

ORDER
IN
C.M.P (MD) No.10572 of 2022
in
C.M.A. (MD) .No.544 of 2022
Date :14/12/2022

RK/SSS/SAR-2 (22/12/2022) 3P/3C

<https://www.mhc.tn.gov.in/judis>