C.M.P.No.4371 of 2023
in
C.M.A.No.2469 of 2013

P.T.ASHA, J.

This Court, on 23.08.2022 while allowing CMA.No.2469 of 2023, has directed the Insurance Company to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of MCOP.No.351 of 2010 on the file of the learned XVI Additional District Judge, Motor Accidents Claims Tribunal, Chennai. On such deposit, the petitioners 1 & 2 were permitted to withdraw their respective shares by making necessary applications. Since the third petitioner was minor at that time, his share was directed to be deposited in any Nationalized Banks in a fixed deposit under reinvestment scheme for a period of three years and the interest accruing in the said account was directed to be paid to the father of the third appellant.

2.Now, the petitioners have moved this application stating that the third petitioner has attained majority and therefore, sought permission to withdraw the share amount of the third petitioner, together with interests and costs.

3.The majority of the third petitioner has also been declared by order dated 10.03.2023, in CMP(MD)No.4372 of 2023. In view of the same, the third petitioner is also permitted to withdraw his share amount, together with interest and costs and the petitioners 1 and 2 are also permitted to withdraw their proportionate shares as fixed by the Tribunal below with proportionate accrued interest and costs. So the modified order in paragraph No.8 of the judgment in CMA.No.2469 of 2013 dated 23.08.2022 would read as follows:-

> "Accordingly, this Civil Miscellaneous Appeal is allowed. The 2nd respondent/Insurance Company is directed to deposit the entire amount, less the amount already deposited, with proportionate accrued interest and costs, to the credit of M.C.O.P.No.351 of 2010 on the file of the learned XVI Additional District Judge, Motor Accident Claims Tribunal, Chennai within a period of six weeks from the date of receipt of a copy of this order, if not deposited earlier. ***On such deposit, the appellants 1 and 2 are permitted to withdraw their proportionate shares as fixed by the Tribunal below with proportionate accrued interest and costs, by making necessary applications. The 3rd appellant is also permitted to withdraw his share amount together with interest and costs by making necessary application.***"

10.03.2023

mm

P.T.ASHA, J.

mm

C.M.P.No.4371 of 2023
in
C.M.A.No.2469 of 2013

10.03.2023