



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

Thursday, the Nineteenth day of January Two Thousand and Twenty
Three

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PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.108 of 2023
in
CMA(MD)No.910 OF 2022

1 FATHI MUTHU ZAHARA,

2 MINOR. FATHIMA RAHIFA,

3 MINOR. SAHIBA ZAKIRA,
(MINOR PETITIONERS 2 AND 3 ARE
REPRESENTED BY THIER MOTHER 1ST
RESPONDENT HEREIN)

4 MOHUDUM FATHIMA,

5 BUHARY, ... PETITIONERS/RESPONDENTS

Vs

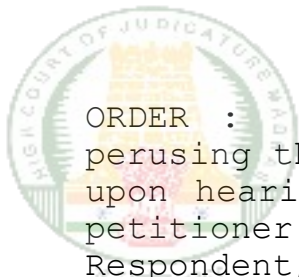
M/S. TAMILNADU STATE TRANSPORT CORPORATION LIMITED,
NO.19, THIRUVANANTHAPURAM ROAD,
VANNARPETTAI POST,
TIRUNELVELI.

... RESPONDENT/APPELLANT

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 deposited amount to credit of M.C.O.P. No. 1337 of 2018 on the Motor Accident Claims Tribunal (III- Additional District Judge, Tirunelveli, pending disposal of the above civil miscellaneous petition.

Prayer in CMA(MD)No. 910/ 2022 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to call for the records relating to the Award and decreetal order dated 25.11.2021 passed in M.C.O.P. No. 1337 of 2018 by the Motor Accident Claims Tribunal (III- Additional District Judge, Tirunelveli and to set aside the same.



ORDER : This petition coming up for orders on this case, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.T.SELVAKUMARAN, Advocate for the petitioner and of MR.R.RAJAMOHAN, Advocate on behalf of the Respondent, the court made the following order:-

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This petition has been filed by the petitioners/claimants to permit them to withdraw the award amount deposited by the 1st respondent/appellant to the credit of the claim petition.

2. By order dated 27.09.2022, interim stay was granted subject to the condition that the respondent/appellant shall deposit 50% of the award amount to the credit of the claim petition within a period of twelve weeks.

3. It is stated that the aforesaid conditional order is complied with by the respondent/appellant.

4. Considering the reasons stated in the supporting affidavit, this petition is allowed and the petitioners 1, 4 and 5 are permitted to withdraw Rs.30,00,000/-, Rs.5,00,000/- and Rs.5,00,000/- respectively along with respective accrued interest, by filing appropriate application before the Tribunal. The balance amount including the petitioners 2 and 3/minors' shares shall be deposited in a Fixed Deposit, renewable periodically till the disposal of this appeal. The interest accruing on such minors' shares is permitted to be withdrawn by the 1st petitioner once in three months directly from the Bank.

sd/-
19/01/2023

/ TRUE COPY /

/01/2023

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

BALA
TO
THE III ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, TIRUNELVELI.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-927[I] dated 23/01/2023)

ORDER
IN
CMP(MD) No.108 of 2023
in
CMA(MD) No.910 OF 2022
Date :19/01/2023