



CMP(MD) No.1478 of 2023 in

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

Friday, the Twenty Second day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
and
The Hon`ble Mr.Justice P.B. BALAJI

CMP(MD) No.1478 of 2023
in
CMA(MD) No.1062 of 2022

1 MEENAL

2 VADAKASI,

3 MARI SELVI,

4 MINOR THANGAMARI, ... PETITIONERS/RESPONDENTS 1 TO 4

(4TH PETITIONER REP. THROUGH HIS NATURAL GUARDIAN AND HIS
MOTHER 1ST PETITIONER HEREIN)

Vs

1 DIVISIONAL MANAGER
CHOLAMANDALAM MS GENERAL INSURANCE COMPANY LTD,
NO. 45A, 1ST FLOOR, KARAMADAI ROAD,
METTUPALAYAM,
COIMBATORE DISTRICT. ...1ST RESPONDENT/APPELLANT

2 DARAN VIKRAM,

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



CMP(MD) No.1478 of 2023 in

W 3 JERSY FASHION,

4 KANNAN

5 SIVAKUMAR,

6 THE DIVISIONAL MANAGER,
NATIONAL INSURANCE COMPANY LTD,
SECOND FLOOR,
18-D, CHETTY STREET, OPPOSITE BUS STAND,
THIRUCHENGODE.

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous 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 50 percent of the award amount deposited to credit of MCOP No. 128 of 2019 on the file of Motor Accident Claims tribunal (Additional District Court/FTC) Tenkasi, pending disposal of the above Civil Miscellaneous Petition and thus render justice.

Prayer in CMA(MD). 1062/ 2022 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the judgment and decree passed in MCOP.No. 128 of 2019 on the file of the Motor Accident Claims Tribunal Judge (Addtional District Court (FTC)), Tenkasi dated 08-03-2022 and thus render justice.

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.P.BALASUBRAMANIAN, Advocate for the petitioner and of MR.K.R.SHIVASANKARI, Advocate on behalf of the Respondent No.1, the court made the following order:-

The appeal is preferred by the Insurance company on the question of negligence as well as quantum, where three vehicles, viz., car, lorry and two wheeler, were



CMP(MD) No.1478 of 2023 in

involved in an accident. The deceased is said to have travelled in a two wheeler.

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Hence, as an interim measure, without prejudice to the rights and contentions of the petitioners and respondent, the petitioners/claimants are permitted to withdraw only 25% of the award amount.

sd/-
22/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

rr

TO

The Motor Accident Claims tribunal (Additional District Court/FTC) Tenkasi,
+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-18314[I] dated 22/12/2023)

ORDER
IN
CMP(MD) No.1478 of 2023
in
CMA(MD) No.1062 of 2022
Date :22/12/2023

RK/DD (26/12/2023) 3P / 3C
Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023