



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

Tuesday, the Seventh day of February Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD) No.387 of 2023
in
CMA(MD)No.1184 of 2022

FRANCIS BASTIYAN,

... PETITIONER/1st RESPONDENT

Vs

1 THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE COMPANY LIMITED,
TRICHY.

...1st RESPONDENT/APPELLANT

2 JOSEPH VINCENT,

...2nd RESPONDENT/2nd RESPONDENT

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 the deposited amount in M.C.O.P. No. 390 of 2008 on the file of the Motor Accidents Claims Tribunal (III Additional Sub Judge), Trichy with due interest.

Prayer in CMA(MD). 1184/ 2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vechile Act, to set aside the Judgment and Decree dated 11-01-2022 passed in MCOP.No.390 of 2008 on the file of the Motor Accident Claims Tribunal (III Additional Sub Judge), Trichy.

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.A. HAJA MOHIDEEN, Advocate for the petitioner and of MR.B.RAVINDRAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

This petition is filed to permit the petitioner to withdraw 50% of the award amount deposited by the 1st respondent / Insurance Company with proportionate and Costs to the credit of M.C.O.P.No.390 of 2008 on the file of the Motor Accidents Claims Tribunal / III Additional Subordinate Judge, Trichy.

2. It is submitted that in pursuance of the order passed by this Court, dated 07.12.2022 in CMP(MD).No.12043 of 2022 in CMA(MD).No.1184 of 2022, the 1st respondent / Insurance Company has



deposited 50% of the awarded amount with proportionate interest and costs before the Tribunal.

3. It is seen that the 1st respondent / Insurance Company has filed an appeal restricting the liability to a sum of Rs.6,00,000/- only and further, the 1st respondent has admitted the liability to the tune of Rs.17,70,781/-.

4. In the light of the above, I am of the view that the petitioner can be permitted to withdraw 50% of the deposited amount with proportionate interest and costs, before the Tribunal.

5. This petition is ordered accordingly.

sd/-
07/02/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
THE III ADDITIONAL SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TRICHY.

+1. C.C. to M/S.A. HAJA MOHIDEEN Advocate SR.No.6740 (F)

ORDER
IN
CMP (MD) No.387 of 2023
in
CMA (MD) No.1184 of 2022
Date :07/02/2023

PKP/BUC/SAR-1/14.02.2023/2P/3C