



CMP(MD) No.11640 of 2023

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

Friday, the Eighth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P.VADAMALAI

CMP(MD) No.11640 of 2023

IN

CMA(MD) No.823 of 2023

THE BRANCH MANAGER,
THE NEW INDIA ASSURANCE COMPANY LTD,
DOOR NO.518/52, NEW ROAD,
KOVILPATTI KASPA,
KOVILPATTI TALUK,
THOOTHUKUDI DISTRICT.

... PETITIONER/ APPELLANT

Vs

1 S.MOHAMED NAINAR

2 M.KIRUDHA OLI,

3 BANU,

4 AMEENA,

5 MOHAMED HUSAIN,

6 MINOR.MOHAMED ISMAIL,

7 MINOR JASMINE,

8 MINOR SHAFRIN,



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9 MINOR MOHAMED ALI,

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(MINORS R6 TO R9 ARE REPRESENTED TO
THEIR FATHER AND NATURAL GUARDIAN,
THE 1st RESPONDENT)

10 MOORTHY(DRIVER),

11 S.P.SETHURAJ,

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to stay all proceedings pursuant to the award and decree dated 28.07.2022 made in MCOP No. 253/2019 on the file of Motor Accidents Claims Tribunal (Additional District Court (FTC)), Tenkasi pending disposal of the above CMA and thus render justice.

Prayer in CMA(MD). 823/ 2023 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the award and Decree dated 28.07.2022 made in MCOP No. 253 of 2019 on the file of Motor Accidents Claims Tribunal (Additional District Court (FTC), Tenkasi 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.B.VIJAY KARTHIKEYAN, Advocate for the petitioner and of Mr.L.SIVA, Advocate on behalf of the Respondents No.1 to 4, the court made the following order:-

The learned counsel for the petitioner/appellant submitted that he is ready to deposit the admitted liability of a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the credit of M.C.O.P.No.253 of 2019, on the file of the Motor Accidents Claims Tribunal/ Additional District Court (FTC), Tenkasi



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2. Considering the above submission, this Court is inclined to grant interim stay on condition that the petitioner shall deposit the above said amount of Rs.10,00,000/- (Rupees Ten Lakhs only) within a period of six weeks from the date of receipt of a copy of this order, failing which, interim stay granted shall stand automatically vacated without further reference to this Court.

3. The learned counsel for the respondents 1 to 9 has requested this Court to grant permission to withdraw the above said amount.

4. The learned counsel for the petitioner/Appellant submitted that he has no objection to permit the respondents 1 to 9 to withdraw the above said amount with accrued interest and costs.

5. Hence, on such deposit being made by the petitioner/appellant, the respondents 1 to 9 are permitted to withdraw the above said amount as apportioned by the tribunal with accrued interest and costs, by filing appropriate petition before the Tribunal.

sd/-
08/09/2023

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/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CMP(MD) No.11640 of 2023

TTA
TO
THE ADDITIONAL DISTRICT JUDGE (FTC),
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TENKASI.

+1 CC to M/s.B.VIJAY KARTHIKEYAN, Advocate (SR-13368[I] dated 08/09/2023)

ORDER IN
CMP(MD) No.11640 of 2023
IN
CMA(MD) No.823 of 2023
Date :08/09/2023

SA/VRS/SAR. /20.09.2023/4P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.