



CMP(MD) No.2728 of 2023

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

Tuesday, the Twenty Second day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.2728 of 2023
in
CMA(MD) No.987 of 2022

MINOR.RAJESH
REPRESENTED THROUGH HIS FATHER AS GUARDIAN
ILANGOVAN ... PETITIONER/1ST RESPONDENT

Vs

1 THE BRANCH MANAGER,
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
178, 2ND FLOOR, 10TH CROSS,
THILLAI NAGAR EAST,
TRICHY - 620 018. ... 1ST RESPONDENT/ APPELLANT

2 A.PAVUL PETER,
3 A.PRABHAKARAN,

4 THE GENERAL MANAGER,
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
19, RELIANCE CENTER,
WALON AND HIRACHENAL MARG,
BALLARD ESTATE, MUMBAI - 400001. ... RESPONDENTS NO.2 TO 4
/RESPONDENTS NO.2 TO 4

Civil Miscellaneous Petition filed praying that in the circumstances stated
therein and in the affidavit filed therewith the High Court may be pleased to

<https://www.hmc.tri.gov.in/judis>



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withdraw 50 percent of the award amount passed in MCOP No. 358 of 2020 on the file of the Motor Accident Claims Tribunal/ Principal District Court, Pudukottai pending disposal of the Civil Miscellaneous Appeal.

Prayer in CMA(MD). 987/ 2022 :

To set aside the Judgment and decree dated 14th February, 2022 passed in MCOp. No. 358 of 2020 on the file of the Motor Accident Claims Tribunal Judge (Principal District Judge), Pudukkottai by allowing this appeal.

ORDER : This Civil Miscellaneous 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.V.S.RISHIKESH, Advocate for the petitioner and of MR.V.SAKTHIVEL, Advocate on behalf of the 1st Respondent, the court made the following order:-

(Order of the Court was made by DR.ANITA SUMANTH, J.)

This petition is filed by the claimant before the Motor Accidents Claims Tribunal/Principal District Court, Pudukottai, represented by his father, as Guardian. He seeks withdrawal of 50% of the amount awarded in M.C.O.P.No.358 of 2020.

2.At the time of admission, the Insurance Company was directed to deposit 50% of the amount awarded to the credit of M.C.O.P.No.358 of 2020 and this order has been complied. The award is of a sum of Rs.29,41,697/-. The break up is as follows:

(1)Rs.16,84,800/- towards loss of earning capacity;

(2)Rs.6,93,897/- towards medical expenses;

(3)Rs.2,00,000/-towards pain and sufferings;

(4)Rs.25,000/-towards attender fees;

(5)Rs.1,00,000/- towards loss of future comfort;



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(6)Rs.2,00,000/- towards marital bliss and miscellaneous; and

(7)Rs.38,000/- towards transport expenses

3.The normal procedure in cases where amount of compensation has been awarded to a minor is to ensure that the amount remains in deposit to be enjoyed by him/her upon attaining majority. In the present case, there is no enhancement petition filed seeking enhancement of the award amount towards medical expenses. We are, thus, inclined to go by the amount awarded towards medical expenses, towards attender fees and towards transport expenses alone, as the rest, in our considered view, should be retained in deposit for the benefit of minor claimant.

4.In this view of the matter, we permit the petitioner to withdraw a sum of Rs.7,50,000/-, along with proportionate interest and costs for which purpose, he may approach the Tribunal with necessary documents. This petition is ordered as above.

sd/-
22/08/2023

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/08/2023

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

cmr

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
PRINCIPAL DISTRICT JUDGE,
PUDUKOTTAI.

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+1 CC to M/s.H.ARUMUGAM, Advocate (SR-12673[I] dated 23/08/2023)

ORDER
IN
CMP(MD) No.2728 of 2023
in
CMA(MD) No.987 of 2023
Date :22/08/2023

RS/VR/SAR-(28.08.2023) 4P 3C
Madurai Bench of Madras High Court is issuing
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