



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

Thursday, the Second day of March Two Thousand and Twenty Three

PRESENT
The Hon`ble Mrs.Justice N.MALA

CMP(MD) No.2449 of 2023
IN
CMA(MD) No.185 of 2023

1 PAVUNRAJ
2 MINOR. RAJESH
3 MINOR. ANUSIYA

(2nd and 3rd MINOR PETITIONERS
REPRESENTED THROUGH THEIR
GUARDIAN/1ST PETITIONER)

4 SEBASTHIYAN
5 BACKIYAM

... PETITIONERS/RESPONDENTS 1 TO 5

Vs

1 DIVISIONAL MANAGER,
M/S.THE UNITED INSURANCE COMPANY LTD.,
DIVISIONAL OFFICE,
LIC DIVISIONAL BUILDING,
JEEVAN PRAKASH GROUND FLOOR,
NO.39, GANDHIJI ROAD,
THANJAVUR.

... 1ST RESPONDENT/APPELLANT

2 K.JAMES

... 2ND RESPONDENT/6TH 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 petitioners to withdraw the amount of Rs.15,00,000/- (Fifteen Lakhs Only) with accrued interest and cost deposited by the 1st respondent in M.C.O.P.No.83 of 2021 dated 07-12-2021 on the file of the Motor Accident Claims Tribunal Principal District and Sessions Judge, Pudukottai and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER IN CMA(MD) No.185 of 2023:-

To set aside the order of the Tribunal of MACT cum Principal District Judge, Pudukkottai made in M.C.O.P.No.83 of 2021 dated 07-12-2021 and allow the appeal with costs and render justice.

<https://www.courtindia.org.in/judis>



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.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of MR.C.JAWAHAR RAVINDRAN on behalf of the Respondent No.1, the court made the following order:-

This petition is filed to withdraw the admitted liability of Rs.15,00,000/- with accrued interest and costs deposited by the 1st respondent / Insurance Company in MCOP.No.83 of 2021, dated 07.12.2021 on the file of the Motor accidents Claims Tribunal, Principal District and Sessions Judge, Pudukkottai.

2. It is submitted by the learned counsel for the petitioners that the entire amount has already been deposited before the Tribunal. He further submits that the petitioners may be permitted to withdraw the admitted liability of Rs.15,00,000/- along with accrued interest and costs.

3. Considering the reasons stated in the affidavit filed in support of this petition, this Court is inclined to allow this petition.

4. Accordingly the petitioners 1, 4 and 5 are permitted to withdraw their shares as per the apportionment fixed by the Tribunal from the admitted liability of Rs.15,00,000/- with proportionate interest and costs. The share of the minor respondents 2 and 3 shall be deposited in any one of the Nationalised Banks till they attain majority. The first respondent is permitted to withdraw the interest of minors once in three months directly from the Bank.

5. This petition is ordered accordingly.

sd/-
02/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL CUM
PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKOTTAI.

COPY TO

1 THE OFFICER IN-CHARGE,
LOK ADALAT,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI. (SOFT COPY)

2 THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-3263[I] dated
02/03/2023)

ORDER
IN
CMP (MD) No.2449 of 2023
IN
CMA (MD) No.185 of 2023
Date :02/03/2023

NA/SBN/SAR-2/07.03.2023/3P/5C