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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Wednesday, the Twelfth day of July Two Thousand and Twenty Three
PRESENT

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

CMP(MD) No.2806 of 2023
in
CMA(MD)No.322 of 2021

1 M.SANGEETHA

2 MINOR. M. DHARNEESH,

3 R. KAMATCHI,

4 M. RAMASAMY, ... PETITIONERS/RESPONDENTS No.1 TO 4

(MINOR 2nd PETITIONER IS REPRESENTED BY
HIS MOTHER 1st PETITIONER NAMELY
SANGEETHA)

Vs

1 THE MANAGER

M/S. UNITED INDIA INSURANCE COMPANY LIMITED,
1ST FLOOR, 3E, BALAVINAYAKAR KOIL STREET,
TUTICORIN. ... 1st RESPONDENT/APPELLANT

2 GRACE GROUP INDIA (P) LTD

REPRESENTED BY ITS MANAGING DIRECTOR,
NO.106J/57 B, FIRST FLOOR, MILLERPURAM,
TUTICORIN. ... 2nd RESPONDENT/5th RESPONDENT

(SINCE THE 2ND RESPONDENT IS NOT
NECESSARY PARTY AND HENCE THEY MAY BE
GIVEN UP)



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Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit me TO WITHDRAW the award amount which was deposited by the 1st respondent to the credit of M.C.O.P. No. 48 of 2019 on the file of the Motor Accidents Claims Tribunal Mahila Court Karur.

Prayer in CMA(MD). 322/ 2021 :

Pleased to set aside the order of the Tribunal of Motor Accident Claims Tribunal cum Fast Track Mahila Court, Karur made in MCOP No.48 of 2019 dated 25.11.2019 and allow the appeal with costs.

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 Mr.L.PRABAKARAN, Advocate for M/S.K.BALASUBRAMANI, Advocate for the petitioner and of Mr.C.JAWAHAR RAVINDRAN, Advocate on behalf of the 1st Respondent, the Court made the following order:-

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

Heard.

2. The total amount awarded is a sum of Rs.44,12,000/- along with interest at the rate of 7.5% from the date of application till the date of realization with proportionate costs.



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3. At the time of admission of the Civil Miscellaneous Appeal, this Court had directed the appellant Insurance Company to deposit the entirety of the amount challenged in the award.

4. To be noted, out of the total award of a sum of Rs.44,12,000/-, the appellant Insurance Company admits liability of a sum of Rs.14,12,000/-. Thus, the petitioners are automatically entitled to this amount, which they are permitted to withdraw forthwith.

5. This Civil Miscellaneous Petition seeks withdrawal of the disputed amount, as deposited in full. However, the learned counsel for the petitioners before us would restrict the prayer to withdrawal of 50% of the disputed amount only.

6. The learned counsel for the respondents / appellant Insurance Company does not put forth any serious objection to the prayer of the petition.

7. Thus, out of a sum of Rs.30,00,000/-, constituting the disputed liability, the petitioners are permitted to withdraw 50% and the manner of apportionment as set out in the decretal order shall be applied as follows:

(i) The first petitioner is entitled to withdraw 50% of the award with accrued interest;

(ii) The second petitioner is entitled to withdraw 30% of the award with accrued interest, to be deposited in a Nationalised bank in an interest bearing account.



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8. Respondents 3 and 4, parents of the deceased, are entitled to withdraw 10% each of the award with accrued interest.

9. The petitioners are permitted to appear before the Tribunal with necessary documentation to enable withdrawal of the amount deposited. This Civil Miscellaneous Petition is allowed accordingly.

10. List on **19.09.2023**.

sd/-
12/07/2023

/ TRUE COPY /

/07/2023

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

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TO
THE FAST TRACK MAHILA JUDGE
/MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

+1 CC to M/s.K.BALASUBRAMANI, Advocate (SR-10684[I] dated 13/07/2023)

ORDER
IN
CMP(MD) No.2806 of 2023
in
CMA(MD)No.322 of 2021
Date :12/07/2023

SS/DD/24/07/2023/4P/3C

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