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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.2799 of 2023
in
CMA(MD)No.359 of 2020

1 K. JAYASUDHA

2 MINOR.R.SRINIGHAA,
(MINOR REP.BY MOTHER AND GUARDIAN
1st PETITIONER K.JAYASUDHA)

3 P. MUNIYAMMAL,

4 M. PALANIAPPAN,

5 P. KUMAR,

... PETITIONERS/RESPONDENTS No.1 TO 5

Vs

1 THE MANAGER,
THE ORIENTAL INSURANCE COMPANY LTD.,
NO.121(3) RAJA SHOPPING COMPLEX,
OPP TO PANCHAMUGA VINAYAGAR KOIL,
PARAMATHI VELUR,
NAMAKKAL DISTRICT.

... 1st RESPONDENT/APPELLANT

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

... 2nd RESPONDENT/6th RESPONDENT



WEB COPY 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. 303 of 2018 on the file of the Motor Accidents Claims Tribunal - cum - District Court Karur.

Prayer in CMA(MD). 359/ 2020 :

To set aside the Decree and Judgment made in M.C.O.P.No.303 of 2018, dated 12.02.2020, on the file of the Motor Accidents Claims Tribunal cum District Court, Karur.

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.KARTHIK, Advocate on behalf of the Respondents, the Court made the following order:-

(Order of the Court was made by **R.VIJAYAKUMAR, J.**)

The National Insurance Company has filed the present appeal challenging the negligence, liability and quantum in the award passed in MCOP No.303 of 2018 on the file of the Motor Accident Claims Tribunal cum District Court, Karur.

2. The present Civil Miscellaneous Petition has been filed by the claimants seeking to withdraw the amount that has been deposited by the Insurance Company.

3. The respondents / claimants will be entitled to withdraw Rs.15,00,000/-. Out of the said Fifteen Lakhs, 50% of the amount along with accrued interest shall be withdrawn by the 1st respondent / 1st claimant. The 2nd respondent's / 2nd claimant's share of 30% of the said Fifteen Lakhs shall be deposited in any one of the Nationalized Bank. As a guardian of the 2nd respondent / 2nd claimant, 1st respondent / 1st claimant shall be entitled to withdraw only the accrued interest once in three months. The 3rd and 4th respondents / 3rd and 4th claimants shall be entitled to withdraw 10% each, out of the said Fifteen Lakhs. The respondents / claimants shall approach the Tribunal with appropriate records for withdrawing the aforesaid amount. This Civil Miscellaneous Petition is allowed in respect of the respondents 1 to 4 / claimants 1 to 4 alone.



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4. As far as the prayer sought for by the fifth respondent to withdraw the amount, this Civil Miscellaneous Petition stands dismissed.

sd/-

12/07/2023

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/07/2023

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

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TO
THE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL CUM DISTRICT COURT,
KARUR.

+1 CC to M/s.K.BALASUBRAMANI, Advocate (SR-10683[I] dated 13/07/2023)

ORDER

IN

CMP(MD) No.2799 of 2023

in

CMA(MD)No.359 of 2020

Date :12/07/2023

SS/BUC/20/07/2023/3P/3C

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