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

Monday, the Twenty Eighth 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) Nos.2950 & 3306 of 2023
in
CMA(MD)Nos.941 & 942 of 2021

1 M.PUDUMADATHI

2 MINOR M. BABY SATHYA,

3 MINOR M. VASANTH
(MINOR 2nd AND 3rd PETITIONERS REP
THROUGH THEIR MOTHER AND NEXT
FRIEND PUDHUMADATHI 1st PETITIONER
HEREIN)

4 SUDALAIMUTHU ... PETITIONERS/RESPONDENTS
in CMP(MD)No.2950 of 2023

1 N.BANUPRIYA

2 MINOR.N.SANTHIYA
(MINOR 2nd PETITIONER REP.THROUGH HER
MOTHER AND NEXT FRIEND BANUPRIYA 1st
PETITIONER HEREIN)

3 MUTHU ... PETITIONERS/RESPONDENTS 1 TO 3/
CLAIMANTS



W1 NATIONAL INSURANCE COMPANY LIMITED,
TATA BEBU, DEPARTMENT OF MOTOR TIE-UP BUSINESS
ROYAL INSURANCE BUILDING
2ND FLOOR, 14-J, TATA ROAD,
CHURCH GATE, MUMBAI,
MAHARASHTRA

(POLICY NO.2533103114015003820)

2 D.SAMUVEL RAJ

... 2nd RESPONDENT/ APPELLANT
in CMP(MD)No.2950 of 2023

...1st RESPONDENT/ APPELLANT
in CMP(MD)No.3306 of 2023

... RESPONDENT/5th RESPONDENT
in CMP(MD)No.2950 of 2023
... 2nd RESPONDENT/4th RESPONDENT
in CMP(MD)No.3306 of 2023

Civil Miscellaneous 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 1,4 to withdraw their share from the entire award amount with accrued interest and entire interest of minor petitioners No.2,3 in the above CMA (MD).No. 941/2021 and the amount was deposited MCOP No. 727 of 2015 on the file of Motor Accident Claims Tribunal/Special Subordinate Judge, Tirunelveli.

Prayer in CMP(MD). 3306/ 2023 :

To permit the petitioners 1,3 to withdraw their share from the entire award amount with accrued interest and entire interest of Minor Petitioner No.2 in the above CMA(MD).No.942/2021 and the amount was deposited MCOP.No.728/2015 on the file of the Motor Accident Claims Tribunal(Special Sub Court), Tirunelveli.

Prayer in CMA(MD). 941/ 2021 :

To set aside the fair and decretal order dated 05.11.2019 made in MCOP No. 727 of 2015 on the file of Motor Accident Claims Tribunal/Special Subordinate Judge Dealing with MCOP Cases, Tirunelveli, and allow this appeal.

Prayer in CMA(MD). 942/ 2021 :

To set aside the fair and decretal order dated 05.11.2019 made in MCOP No. 728 of 2015 on the file of Motor Accident Claims Tribunal/Special Subordinate Judge Dealing with MCOP Cases, Tirunelveli, and allow this appeal.



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COMMON ORDER : These Civil Miscellaneous petitions coming up for orders on this day, upon perusing the petitions and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.ESAKKIMUTHU, Advocate for the petitioner in both the petitions and of Mr.A.MUGERAT, Advocate for Mr.S.SRINIVASARAGHAVAN, Advocate on behalf of the 1st Respondents in both the petitions, the Court made the following order:-

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

Heard the learned counsel.

2. The Insurance Company / appellant in appeals has been directed to deposit the entire amount awarded and the entire amount has been so deposited. Though the present petitions are for withdrawal of the entire amount, learned counsel for the petitioners / respondents in appeal restricts the prayer to 50% of the amount so deposited only. No objection is putforth by the appellant to such request.

3. Hence, these Civil Miscellaneous Petitions are ordered to the extent that the petitioners are permitted to withdraw 50% of the amount deposited along with proportionate interest for which purpose, the petitioners may present themselves before the Motor Accident Claims Tribunal / Special Sub Court, Tirunelveli with necessary documents.

4. The withdrawal shall be in line with the directions issued in this regard by the Tribunal qua the shares assigned. As regards minors, the amount will remain in deposit and their mother shall be entitled to withdraw the interest alone.



5. List the Civil Miscellaneous Appeals in due course.

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sd/-
29/08/2023

/ TRUE COPY /

/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM

TO
THE SPECIAL SUBORDINATE JUDGE/
MOTOR ACCIDENT CLAIMS TRIBUNAL,
DEALING WITH MCOP CASES, TIRUNELVELI.

+2 CC to M/s.V.ESAKKI MUTHU, Advocate (SR-12865, 12864[I] dated 28/08/2023)

ORDER
IN
CMP(MD) Nos.2950 & 3306 of 2023
in
CMA(MD)Nos.941 & 942 of 2021
Date :28/08/2023

SS/JGB/30/08/2023/4P/4C

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