



CMP(MD) No.5282 of 2023

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

Wednesday, the 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.5282 of 2023
in
CMA(MD) No.666 of 2021

JAYAKUMAR (DIED)

1.PRADHIPA
2 MINOR SRINITHI
3 MINOR SRIJANA
4 MINOR JAIRAM BASKAR

(MINOR PETITIONERS 2 TO 4 ARE REPRESENTED
THROUGH THEIR MOTHER/NATURAL GUARDIAN
1ST PETITIONER HEREIN - PRADHIPA)

... PETITIONERS/RESPONDENTS NO.1 TO 4
/CLAIMANTS NO.2 TO 5

Vs

1 THE BRANCH MANAGER
M/S.NATIONAL INSURANCE COMPANY LTD,
MADURAI BRANCH OFFICE,
NO.3, NORTH VELI STREET,
MADURAI.

... 1ST RESPONDENT/ APPELLANT
/2ND RESPONDENT



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2 PANDI
(R2 SET EXPARTE IN TRIBUNAL
- NOTICE DISPENSED WITH)

... 2ND RESPONDENT/6TH RESPONDENT
/1ST RESPONDENT

3 KANIMOZHI

... 3RD RESPONDENT/5TH RESPONDENT
/CLAIMANT NO.6

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass necessary orders by allowing this petition and thereby permit the petitioners to withdraw the entire amount of the Tribunal award amount together with proportionate accrued interest and costs which was deposited by the 1st respondent in M.C.O.P.No.508 of 2018 dated 17-03-2020 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Madurai.

Prayer in CMA(MD). 666/ 2021 :

To set aside the judgment and decree in MCOP No.508 of 2018 dated 17.03.2020 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Madurai and allow the appeal with costs.

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.A.M.KARUPPASAMY, Advocate for the petitioner and of MR.J.S.MURALI, 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 has been filed seeking withdrawal of entire award amount, which has been directed to be deposited by the Insurance Company vide order dated 09.08.2021.

2.Having heard the rival contentions, this petition is ordered permitting the petitioners to withdraw Rs.10,00,000/- from and out of a sum of Rs.33,07,500/- which

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is the liability disputed.

3.The Insurance Company has deposited the admitted liability as well, of a sum of Rs.43,55,400/-, and there is no hindrance to the petitioners seeking immediate withdrawal of the same.

4.Needless to say, the apportionment shall be in the same ratio as set out by the Tribunal at paragraph 22 of judgment dated 17.03.2020. The shares of the minors will be retained in an interest bearing deposit and the first petitioner may withdraw only the interest therefrom.

5.As far as the 5th claimant is concerned, her share shall be retained in the deposit ordered on 09.08.2021 to the credit of M.C.O.P.No.508 of 2018 on the file of the Motors Accidents Claims Tribunal, Chief Judicial Magistrate Court, Madurai.

6.Civil Miscellaneous Appeal to be listed in due course.

sd/-
02/08/2023

/ TRUE COPY /

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

cmr

TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL /
CHIEF JUDICIAL MAGISTRATE COURT,
MADURAI.

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+1 CC to M/s.J.S.MURALI, Advocate (SR-11732[I] dated 03/08/2023)

+1 CC to M/s.PITCHAIMUTHU, Advocate (SR-11792[I] dated 04/08/2023)

ORDER
IN
CMP(MD) No.5282 of 2023
in
CMA(MD) No.666 of 2021
Date :02/08/2023

RS/VR/SAR-(08.08.2023) 4P 4C
Madurai Bench of Madras High Court is issuing
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