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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
Monday, the Thirty First 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.3016 of 2023
in
CMA(MD)No.787 of 2022

A.G.RAMASUBRAMANIAN(DIED),

1 R.RAMANI

2 MINOR.R.RUBASRAN,

3 MINOR.R.LOGESHWARA

4 G.SUBBULAKSHMI

... PETITIONERS/RESPONDENTS 1 TO 4

(MINOR PETITIONERS NO.2 AND 3
REPRESENTED THROUGH THEIR MOTHER THE
FIRST PETITIONER)

Vs

1 THE BRANCH MANAGER,
SHRIRAM GENERAL INSURANCE COMPANY LIMITED,
66, CITY CENTER COMPLEX,2ND FLOOR,
THIRUMALAIPILLAI ROAD,T.NGAAR, CHENNAI.

2 C.J.RAJENDRAN

... 2nd RESPONDENT/5th RESPONDENT

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 to 4 withdraw the 50 percentage of our respective share with interest which is lying to the credit of CMA(MD).No.787 of 2022 pending disposal of the above Civil Miscellaneous Appeal.



Prayer in CMA(MD). 787/ 2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vehicle Act, to set aside the judgment and decree date 10-03-2022 passed in MCOP.No.42 of 2012 on the file of the Motor Accident Claims Tribunal and Principal Subordinate Judge of Srivilliputhur by allowing this appeal.

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.M.THIRUNAVUKKARASU, Advocate for the petitioner and of Mr.V.SAKTHIVEL, Advocate on behalf of the 1st Respondent, the Court made the following order:-

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

Upon hearing the parties, the petitioner is permitted to withdraw 50% of the award directed to be deposited under order of this Court dated 07.08.2022.

2.This order is premised on the submissions of the appellant to the effect that there is no proof produced by the claimants that the demise of the deceased in 2016 could, in any way be connected to, or attributed to, the injuries sustained on 03.07.2011.

3.Admittedly, the deceased was in hospital between 03.07.2011 and 02.08.2011. Thus the above order is passed on the basis that the liability would be restricted to injuries suffered by the deceased between 03.07.2011 and 02.08.2011 and consequential pain and sufferings attributable to the same.



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(*)4.This Court has, at the time of admission, directed that 50% of the award amount with accrued interest and costs shall be deposited to the credit of MCOP No.42 of 2012 on the file of the Motor Accident Claims Tribunal and Principal Subordinate Court, Srivilliputhur, within a period of four weeks. Upon such deposit being made, the Tribunal was directed to transfer the amount to the credit of this Civil Miscellaneous Appeal before the Indian Bank, High Court Branch, Madurai.

5.The Tribunal has understood this order to mean that the amount awarded shall be transferred to the Indian Bank, High Court Branch, Madurai and has not undertaken this exercise through the Registrar General of this Court. The FD receipt is stated to be with the Tribunal.

6.The petitioners shall be entitled to the amount in the same apportionment as assigned by the Tribunal. The shares of P2 and P3 being minor sons shall be retained in deposit and only the interest shall be withdrawn by the mother. Other claimants are entitled to withdraw their shares with proportionate interest and costs.



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7. Let the parties appear before the Tribunal seeking withdrawal with necessary documentation and, upon such appearance, the Tribunal shall take necessary action to comply with this order.

8. List the Civil Miscellaneous Appeal in due course. Records be called for.

sd/-

31/07/2023

(*) AMENDED AS PER THE ORDER OF THIS COURT
DATED 29/08/2023 in CMP(MD)No.3016 of 2023 in
CMA(MD)No.787 of 2022.

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/08/2023

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

TA

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 31/07/2023 ALREADY
DESPATCHED

THE PRINCIPAL SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SRIVILLIPUTHUR.

COPY TO:

1 THE ADDITIONAL REGISTRAR GENERAL(INCHARGE)
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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W12B C THE SECTION OFFICER,
V.R. SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-11521[I] dated 31/07/2023
)

ORDER
IN
CMP(MD) No.3016 of 2023
in
CMA(MD)No.787 of 2022
Date :31/07/2023

SS/VR/11/08/2023/4P/4C
SM
SS/JGB/30/08/2023/5P/5C

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