



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

Thursday, the Thirteenth day of April Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CMP (MD) No.4076 of 2023
in
CMA (MD) No.991 of 2022

1 SELVAM

2 S.SUNDARI

... PETITIONERS/RESPONDENTS 1 & 2

Vs

1 THE BRANCH MANAGER,
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
55, SRI MEENAKSHI PLAZA,
1ST FLOOR, 80 FEET ROAD,
ANNA NAGAR, MADURAI - 20.

... 1st RESPONDENT/APPELLANT

2 L.NEASAMARUTHU PANDIAN

... 2nd RESPONDENT/3rd RESPONDENT

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 to withdraw the deposited Awarded Amount into the credit of M.C.O.P. No. 37 of 2019 on the file of the Motor Accident Claims Tribunal (Sessions Judge Fast Track Mahila Court Sivagangai), pending disposal of C.M.A.(MD). No. 991 of 2022 on the file of this Honourable Court.

Prayer in CMA(MD). 991/ 2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vechile Act, to set aside the judgment and decree passed in MCOP.No.37 of 2019 on the file of the Motor Accident Claims Tribunal, (Sessions Judge/Fast Track Mahila Court), Sivagangai District dated 05-03-2022.

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 M/S.S.PUGALENDHI, Advocate for the petitioner and of M/s.K.R.SHIVASHANKARI on behalf of the 1st Respondent, the Court made the following order:-

This petition has been filed seeking to withdraw the amount viz., 50% of the compensation with interest in costs awarded by the Tribunal.



2. The learned counsel for the first respondent/appellant-Insurance Company would submit that the conditional order has been complied with. **(*)Deleted.**

3. Considering the fact that the deceased was studying Diploma in Civil Engineering, the Tribunal had taken the monthly income at Rs.25,000/- (Rupees Twenty Five Thousand only). The Tribunal has not awarded any amount towards future prospects. In view of the above, we are of the opinion that the petitioners, who are the father and mother of the deceased, should be allowed to withdraw the entire amount that has been deposited (50% of the compensation awarded by the Tribunal with proportionate interests and costs). The Tribunal is therefore, directed to payout the entire amount in deposit equally to the petitioners.

4. With the above direction, this petition is ordered.

sd/-

13/04/2023

**(*)Deleted as per order of this Hon'ble
Court in CMP(MD).4076/2023 in CMA(MD).
991/2022 Dated 06.06.2023**

/ TRUE COPY /

/06/2023

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

ABR

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON 24.04.2023

THE SESSIONS JUDGE/
FAST TRACK MAHILA COURT,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
SIVAGANGAI.

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-5950[I] dated
17/04/2023)

ORDER

IN

CMP(MD) No.4076 of 2023
in

CMA(MD) No.991 of 2022

Date :13/04/2023

SS/VR/SAR IIII/21/04/2023/2P/3C

RS/VR/SAR-(13.06.2023) 2P/3C