



CMP(MD) No.4901 of 2023

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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.4901 of 2023
in
CMA(MD)No. 1150 of 2022

N. ANJOOR,

... PETITIONER/1st RESPONDENT

Vs

1 NATIONAL INSURANCE CO. LTD.,
THROUGH ITS BRANCH MANAGER,
DEVARPURAM ROAD,
THOOTHUKUDI.

...1st RESPONDENT/ APPELLANT

2 B.KUMAR,

3 JEYAPANDI,

4 SUBBULAKSHMI,

5 RELIANCE GENERAL INSURANCE COMPANY,,
THROUGH ITS MANAGER,
DOOR NO.194/99/7, NEAR STATE BANK OF INDIA,
V.V.D. MAIN ROAD,
THOOTHUKUDI.

... RESPONDENTS 2 TO 5/RESPONDENTS 2 TO 5

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order permitting

<https://www.mhc.tn.gov.in/judis>



CMP(MD) No.4901 of 2023

the petitioners to withdraw Rupees 15,00,000 of the amount deposited by the 1st respondent/appellant in MCOP No.21 of 2018 on the file of learned motor accident claims tribunal/ Chief Judicial Magistrate Court, Thoothukudi and thus render justice.

Prayer in CMA(MD). 1150/ 2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vechile Act, to Set aside the judgment and decree passed in MCOP.No.21 of 2018 dated 17-05-2022 on the file of the Motor Accident Claims Tribunal, Chief Judicial Magistrate Court, Thoothukudi and allow the Appeal with costs.

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.R.PON KARTHIKEYAN, 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 Civil Miscellaneous Petition is filed seeking withdrawal of the amount of Rs.15 lakhs that the Insurance Company/appellant was directed to deposit under order dated 06.12.2022 reading as follows:

“The petitioner / appellant has filed the present Civil Miscellaneous Appeal, challenging the award dated 17.05.2022 passed by the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Thoothukudi made in M.C.O.P.No.21 of 2018, on the ground that the petitioner / Insurance Company is not liable to pay compensation to the claimants.

2.Considering the facts and circumstances of the case, there shall be an order of interim stay of execution of the Award, dated 17.05.2022, subject to the condition that the petitioner / Insurance Company deposits a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) to the credit of M.C.O.P.No.21 of 2018, on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate Court, Thoothukudi, in Indian Bank, High Court Branch, Madurai, within a period of eight weeks from the date of receipt of a copy of this order,



CMP(MD) No.4901 of 2023

failing which, the interim stay granted would stand vacated automatically without reference to this Court.

3.Notice.”

2.The appeal has been filed by one Mr.Anjoor, who was driving a two wheeler at the time of accident. The first to third respondents, who are private respondents, are, R1, the owner of the car, R2, the mortgagee of the car and R3, the owner of the two wheeler driven by the claimant. The car was being driven by the minor son of the second respondent at the time of collision with the two wheeler. The Tribunal has quantified the award at a sum of Rs.32 lakhs (approx) and also granted liberty to the appellant to recover the same from the first respondent.

3.The award contains, inter alia, a tabulation of the expenditure stated to have been incurred by the claimant, as well as the compensation computed, as follows:

Sl.No.	Head	Compensation(Rs.)
1.	Damage to Cloth and Articles	Rs. 1,000/-
2.	Transport to Hospitals	Rs. 10,000/-
3.	Medicines and Medical Charges	Rs.10,00,348/-
4.	Attendant Charges	Rs. 17,600/-
5.	Extra Nourishment	Rs. 10,000/-
6.	Pain and Suffering	Rs. 50,000/-
7.	Compensation for the disability	Rs.13,60,800/-
	Total Compensation awarded	Rs.24,49,748/-

The Insurance Company was directed to deposit a sum of Rs.15,00,000/-, which has been so deposited.

4.We are of the considered view that the ongoing medical treatment of the petitioner would justify the grant of the prayer sought for. Hence, the prayer sought for withdrawal of the amount deposited, being 50% of the amount awarded, is granted. The petitioner may approach the Tribunal with necessary documents seeking withdrawal.



CMP(MD) No.4901 of 2023

5.This Civil Miscellaneous Petition is allowed. List the Civil Miscellaneous Appeal in due course.

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 CHIEF JUDICIAL MAGISTRATE
MOTOR ACCIDENT CLAIMS TRIBUNAL, THOOTHUKUDI.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-10628[I] dated 13/07/2023)

+1 CC to M/s.J.S.MURALI, Advocate (SR-10637[I] dated 13/07/2023)

ORDER
IN
CMP(MD) No.4901 of 2023
in
CMA(MD)No. 1150 of 2022
Date :12/07/2023

PKP/BUC/SAR- /31.07.2023/ 4P/4C

Madurai Bench of Madras High Court is issuing certified
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