



CMP(MD) No.7778 of 2023

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

Monday, the Twenty Fifth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.7778 of 2023
IN
CMA(MD) No.142 of 2023

C.SASIKUMAR

... PETITIONER/1st RESPONDENT

Vs

1 RELIANE GENERAL INSURANCE COMPANY LIMITED.,
THROUGH ITS BRANCH MANAGER,
HAVING ITS OFFICE AT
NO.184/9B/7, VVD MAIN ROAD,
NEAR STATE BANK OF INDIA,
THOOTHUKUDI

... 1st RESPONDENT/ APPELLANT

2 M.MARIAPPAN

... 2nd RESPONDENT/2nd 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 petitioner to withdraw 50 percent of the award amount deposited in M.C.O.P.No.625 of 2018 dated 24.06.2022 on the file of the Learned Motor Accident Claims Tribunal, Ist Additional District Judge, Tirunelveli.

Prayer in CMA(MD). 142/ 2023 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the judgment and decree passed in MCOP.No. 625 of 2018 on the file of the

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



CMP(MD) No.7778 of 2023

Motor Accident Claims Tribunal I Additional District Judge, Tirunelveli dated 24-06-2022 and allow the Civil Miscellaneous Appeal and thus render justice.

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

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

Heard both learned counsel.

2. Initially, a plea was taken by the learned counsel for the appellant on the ground that the vehicle in question had been overloaded and 25 passengers had been carried as against the sanctioned seating capacity of 13 + 1.

3. Bearing in mind the judgments of the Supreme Court in the case of United India Insurance Co. Limited vs. K.M.Poonam & Others (2011 (1) TN MAC 441) and National Insurance Co. Limited vs. Anjana Shyam & Others (2007 (2) TN MAC 193) and seeing as only six claims have been filed including the present by the Insurance Company, the prayer in this civil miscellaneous petition is accepted.

4. The petitioner is permitted to withdraw 50% of the amount deposited under order of this Court dated 10.02.2023 along with accrued interest and costs and is further permitted to take necessary steps to withdraw the aforesaid amount in accordance with law by presentation of requisite documents. This Civil

Miscellaneous Petition is allowed.



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5. Appeal be listed in due course.

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sd/-
25/09/2023

/ TRUE COPY /

/09/2023

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

SM
TO

THE I ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

COPY TO:

THE BRANCH MANAGER,
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.SELVARAJ, Advocate (SR-14097[I] dated 25/09/2023)

ORDER
IN
CMP(MD) No.7778 of 2023
IN
CMA(MD) No.142 of 2023
Date :25/09/2023

SA/GB/SAR. /27.09.2023/3P/4C

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