



CMP(MD) No.8994 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Civil Appellate Jurisdiction)

Tuesday, the First day of August Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CMP(MD) No.8994 of 2023

in

CMA(MD) No.387 of 2023

RAJAKUMAR

... Petitioner / 1st Respondent

Vs

1 THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
POST BOX NO.112,
ANGUVILAS BUILDING,
NORTH CAR STREET,
NAGERCOIL,
KANYAKUMARI DISTRICT.

... Respondent / Appellant

2 SASIKUMAR

3 E.PANDIYAN

4 THE BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD.,
P.P.K. BUILDING MAIN ROAD,
MARTHANDAM,
MARTHANDAM POST,
KANYAKUMARI DISTRICT.

... Respondents / Respondents 2 to 4



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Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant permission to the petitioner to withdraw the entire deposited amount with accrued interest in MCOP. No. 95 of 2018 on the file of Motor Accidents Claims Tribunal, (Subordinate Judge), Kuzhithurai, account by the appellant.

Prayer in CMA(MD). 387/ 2023 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Tribunal of Motor Accident Claims Tribunal cum Subordinate Judge, Kuzhithurai made in M.C.O.P. No. 95 of 2018 dated 11.04.2022 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.S.SIVAKUMAR, Advocate for the petitioner and of Mr.R.RAJAMANI, Advocate on behalf of the Respondent No.1, the court made the following order:-

This petition is filed to grant permission to the petitioner to withdraw the entire deposited amount with accrued interest in M.C.O.P.No.95 of 2018 on the file of the



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Motor Accidents Claims Tribunal (Subordinate Judge), Kuzhithurai.

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2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The learned counsel for the first respondent has no objection to permit the petitioner to withdraw the admitted liability of Rs.5,10,717/-.

4. I have perused the affidavit filed in support of this application and considering the facts and circumstances of the case, this petition is partly allowed. The petitioner is permitted to withdraw the admitted liability of Rs.5,10,717/- with proportionate interest and costs, by filing appropriate application before the Tribunal.

sd/-
01/08/2023

/ TRUE COPY /

04/08/2023

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

VSD



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TO

THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KUZHITHURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-11608[I] dated 01/08/2023)

ORDER IN
CMP(MD) No.8994 of 2023
in
CMA(MD) No.387 of 2023
Date :01/08/2023

RS//SAR-(04.08.2023) 4P 3C
Madurai Bench of Madras High Court is issuing
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