



CMP(MD) No.8998 of 2023

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

Thursday, the Third day of August Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice P. VADAMALAI
CMP(MD) No.8998 of 2023
in
CMA(MD) No.506 of 2023

CMP(MD).8998/2023 :

S. PALANIYAPPAN

... PETITIONER/1ST RESPONDENT

Vs

1 M/S. BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED,
GVR COMPLEX, NO.6A, 2ND FLOOR,
LAWSON'S ROAD, CANTONMENT,
TRICHY - 1.

... 1ST RESPONDENT/ APPELLANT

2 M.ANBU SARAVANAN

... 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 pass an order permitting the petitioner to withdraw the amount deposited by the 1st respondent/ Appellant to the credit of M.C.O.P. No. 36 of (*)2022 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Trichirappalli.

CMA(MD).506/2023 :

M/S. BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LIMITED,
GVR COMPLEX, NO.6A, 2ND FLOOR,
LAWSON'S ROAD, CANTONMENT,
TRICHY - 1.

... APPELLANT/2ND RESPONDENT

VS

1 S. PALANIYAPPAN

... 1ST RESPONDENT/PETITIONER

2 M.ANBU SARAVANAN

... 2ND RESPONDENT/1ST RESPONDENT



CMP(MD) No.8998 of 2023

Prayer in CMA(MD). 506/ 2023 :

To set aside the judgment and decree passed in M.C.O.P.No.36 of 2022 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Tiruchirappalli, dated 13-12-2022.

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.KARTHICK, Advocate for the petitioner in CMP(MD). 8998/2023 and for the 1st Respondent in CMA(MD).506/2023 and of MR.K.R.SHIVASHANKARI, Advocate on behalf of the 1st Respondent in CMP(MD). 8998/2023 and for the petitioner in CMA(MD).506/2023 and none appeared either in person or by an advocate on behalf of the 2nd Respondent in both CMP & CMA, the court made the following order:-

This petition has been filed to permit the petitioner to withdraw the amount deposited by the first respondent/appellant to the credit of M.C.O.P. No.36 of (*)2022 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Trichirappalli.

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

3. I have perused the affidavit filed in support of the petition. Considering the reasons stated in the affidavit filed in support of this petition, this Court is inclined to permit the petitioner to withdraw 50% of the award amount in M.C.O.P.No.36 of (*)2022 on the file of the Motor Accident Claims Tribunal (Special Sub Judge), Trichirappalli.

4. Accordingly, this Civil Miscellaneous Petition is allowed. The petitioner is permitted to withdraw 50% of the award amount deposited in M.C.O.P.No.36 of



CMP(MD) No.8998 of 2023

(*)2022 on the file of the Motor Accident Claims Tribunal (Special Sub Judge),
Trichirappalli, with propotionate interest and cost by filing appropriate application
before the said Tribunal.

sd/-
03/08/2023

**(*)AMENDED AS PER THE ORDER OF THIS
HON'BLE COURT DATED 29.08.2023 IN CMP
(MD)No.8998 of 2023 in CMA(MD)No.506 of 2023.
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/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

indu

TO
**TO BE SUBSTITUTED WITH THE ORDER DATED 03/08/2023 ALREADY
DESPATCHED**
THE MOTOR ACCIDENT CLAIMS TRIBUNAL (SPECIAL SUB JUDGE),
TRICHY.

+1 CC to M/s.K.R.SHIVA SANKARI, Advocate (SR-11771[I] dated 03/08/2023)

ORDER
IN
CMP(MD) No.8998 of 2023
in
CMA(MD) No.506 of 2023
Date :03/08/2023

RS/VRS/SAR-(17.08.2023) 3P 3C
VSD
SS/DD/01/09/2023/3P/3C

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