



CMP(MD) No.9050 of 2021

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

Thursday, the Fourteenth day of September Two Thousand and Twenty Three

PRESENT

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

C.M.P.(MD)No.9050 of 2021
in
C.M.A.(MD)No.107 of 2021

G.SIVAGAMI

... PETITIONER/RESPONDENT

Vs

THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION,
KUMBAKONAM.

... RESPONDENT/ APPELLANT

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 herein to withdraw 50 percent from the remaining award of compensation deposited by the respondent on 24-08-2021 as per the fair and decreetal order dated 06-09-2019 in MCOP.No.49 of 2019 on the file of Motor Accident Claims Tribunal (Chief Judicial Magistrate),Srivilliputhur,pending disposal of the above Civil Miscellaneous Appeal and pass such further or other orders as this Hon`ble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CMA(MD). 107/ 2021 :

To set aside the impugned award passed in MCOP No.49 of 2019 on the file of the MACT (Chief Judicial Magistrate Court), Virudhunagar at Srivilliputhur dated 06.09.2019.



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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.SRINIVASA RAGHAVAN, Advocate for the petitioner and of MR.P.M.VISHNUVARTHANAN, Advocate on behalf of the Respondent, the court made the following order:-

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

Heard the learned counsel on both sides.

2. No serious objection is put forth by the learned counsel for the respondent to the prayer of the petitioner for withdrawal.

3. This Civil Miscellaneous Petition is ordered by permitting the petitioner to withdraw 50% of the amount directed to be deposited under order dated 10.02.2021, with proportionate interest and costs.

4. Let the petitioner appear before the tribunal with necessary documentation to facilitate implementation of this order.

5. Since the petitioner has filed a cross appeal in CMA(MD)No.567 of 2020, these two appeals, ie., CMA(MD)No.567 of 2020 and CMA(MD)No.107 of 2021 shall



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be tagged and listed in due course.

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6. The appellant in CMA(MD)No.567 of 2020, who seeks enhancement of the award shall file a computation on basis of which enhancement is sought.

sd/-
14/09/2023

/ TRUE COPY /

/09/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL (CHIEF JUDICIAL MAGISTRATE),
SRIVILLIPUTHUR

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-13669[I] dated
14/09/2023)

ORDER IN
C.M.P.(MD)No.9050 of 2021
in
C.M.A.(MD)No.107 of 2021
Date :14/09/2023

RK/VRS (19/09/2023) 3P / 3C

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