



CMP(MD) No.10360 of 2023

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

Thursday, the Thirty First day of August Two Thousand and Twenty Three

PRESENT

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

CMP(MD) No.10360 of 2023
IN
CMA(MD) No.705 of 2019

1 ARUNA

2 MINOR.JORDAN FREDRIC

3 MINOR.JEITON FREDRIC

(PETITIONERS 2 AND 3 ARE MINORS
REP.THROUGH THE NATURAL GUARDIAN AND
MOTHER ARUNA)

... PETITIONERS/RESPONDENTS 1-3

Vs

1 THE NEW INDIA ASSURANCE COMPANY LTD,
REPRESENTED BY ITS REGIONAL MANAGER,
OFFICE AT NO.75E/3,
II FLOOR,THILLAI NAGAR,
SALAI ROAD,
TRICHY - 620 018.

... 1st RESPONDENT/ APPELLANT

2 EDWINA FREDIE

... 2nd RESPONDENT/4th RESPONDENT

3 VASUDEVAN

... 3rd RESPONDENT/5th RESPONDENT



CMP(MD) No.10360 of 2023

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 order by permitting the petitioner to withdraw the award amount deposited by the 1st Respondent in M.C.O.P.No.1416 of 2017 on the file of the Motor Accident Claims Tribunal -cum -Additional District and Sessions Court (PCR) / Special District Court, (MCOP Cases), Thanjavur and thus render justice.

Prayer in CMA(MD). 705/ 2019 :

To Set aside the award passed in MCOP.No.1416 of 2017 dated 22.3.2019 on the file of the I Additional District and Sessions Judge, Thanjavur (PCR) cum Special District Judge MCOP Tribunal and allow this Appeal.

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.PARANJOTHI, Advocate for M/S.S.ALAGUNSUNDAR, Advocate for the petitioners and none appeared for the Respondents side either in person or by an advocate, the court made the following order:-

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

Respondents' counsel is called absent.

2. The present petition has been filed only by the wife of the deceased and minor children, though the claimants in award included the parents of the deceased as well. The petitioners are permitted to withdraw 50% of the amount directed to be deposited under order dated 27.09.2019, which was the award in entirety.

3. The shares of the parents of the deceased shall continue to be retained by the Tribunal. The shares of the claimants shall be apportioned as per the shares assigned by the Tribunal at paragraph 24 of its award dated 22.03.2019 in MCOP No.1416 of



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4. The first petitioner is permitted to withdraw her share with proportionate interest and costs, whereas the amount assigned to the minor children will be retained in deposit, and the first petitioner is permitted to withdraw the interest component alone.

5. The petitioners are permitted to appear before the Tribunal ie., Motor Accident Claims Tribunal cum I Additional District and Sessions Court (PCR) / Special District Court, (MCOP Cases), Thanjavur with necessary documentation to avail benefit under this order. This petition is ordered accordingly.

6. List the Civil Miscellaneous Appeal in due course.

sd/-
31/08/2023

/ TRUE COPY /

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

SM
TO

THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR) /
SPECIAL DISTRICT COURT (MCOP CASES), THANJAVUR.

+1 CC to M/s.S.ALAGUSUNDAR, Advocate (SR-13051[I] dated 31/08/2023)

ORDER IN
CMP(MD) No.10360 of 2023 IN
CMA(MD) No.705 of 2019
Date :31/08/2023

SS/VR/13.09.2023/3P/3C

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