



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

Friday, the Twenty Seventh day of January Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice D.KRISHNAKUMAR
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

C.M.P. (MD)No.11055 of 2022
in
C.M.A. (MD)No.718 of 2022

1 SARANYA

2 MINOR. LITHIN

(MINOR 2ND PETITIONER IS REPRESENTED
BY HIS GUARDIAN AND MOTHER 1ST PETITIONER)

3 SUBRAMANI

4 MARIKANNU ... PETITIONERS/RESPONDENTS 1 TO 4
Vs

1 THE BRANCH MANAGER,
THE RELIANCE GENERAL INSURANCE COMPANY LIMITED,
H BLOCK, 4TH STREET,
DOOR NO. 12, H2035, 15TH MAIN ROAD,
ANNA NAGAR (WEST),
CHENNAI - 600 040. ...1ST RESPONDENT/APELLANT

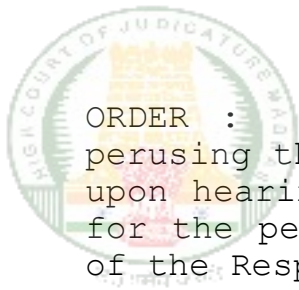
2 EALUMALAI ... 2ND RESPONDENT/5TH RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioners to withdraw Rs. 50 percentage of award amount of deposited by the 1st respondent in M.C.O.P. No. 836 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District Court, Pudukkottai).

Prayer in CMA(MD). 718/ 2022 :

Civil Miscellaneous Appeal Under Section 173 of Motor Vehicle Act, to set aside the judgment and decree passed in MCOP.No.836 of 2018 on the file of the Motor Accident Claims Tribunal, Additional District and Sessions Judge, Pudukkottai (Full Addl.Charge) dated 25-02-2022, and allow the Civil Miscellaneous Appeal and thus render justice.

<https://www.appeals.gov.in/>



ORDER : This petition coming up for orders on this day, on perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S P.GANAPATHI SUBRAMANIAN, Advocate for the petitioner and of M/S.K.R.SHIVASHANKARI, Advocate on behalf of the Respondent No.1, the court made the following order:-

WEB COPY (Order of the Court was made by D.KRISHNAKUMAR, J.)

This petition is filed to permit the petitioners to withdraw 50% of the deposited award amount which was deposited by the 1st respondent / appellant / Insurance Company in M.C.O.P.No.836 of 2018 on the file of the Motor Accident Claims Tribunal (Additional District Court, Pudukkottai) and now available in Indian Bank, Madurai Bench of Madras High Court to the credit of C.M.A.(MD) No.718 of 2022.

2. The learned counsel appearing for the first respondent submitted that as per the order of this Court dated 26.07.2022, entire award amount has been deposited and she has no objection to permit the petitioners to withdraw 50% of the deposited award amount.

3. Being satisfied with the reasons stated in the affidavit filed in support of this petition, this petition is allowed and the petitioners 1, 3 and 4 are permitted to withdraw 50% of the deposited award amount from their respective shares, as apportioned by the Tribunal, with accrued interest and costs, on filing appropriate application. In respect of the shares of the second petitioner is concerned, who is a minor, the first petitioner, who is the mother of the second petitioner, is permitted to withdraw the accrued interest once in six months, on filing appropriate application.

4. Since the appeal has been filed as against the quantum alone, Registry is directed to post the appeal before the Lok Adalat.

sd/-
27/01/2023

/ TRUE COPY /

/02/2023

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

vsm



TO

THE MOTOR ACCIDENT CLAIMS TRIBUNAL,
ADDITIONAL DISTRICT AND SESSIONS JUDGE,
PUDUKOTTAI (FULL ADDL.CHARGE)

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COPY TO

THE OFFICER IN CHARGE,
LOK ADALAT,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.R.SHIVASHANKARI, Advocate (SR-1423[I] dated
30/01/2023)

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-1521[I] dated
31/01/2023)

ORDER
IN
C.M.P.(MD)No.11055 of 2022
in
C.M.A.(MD)No.718 of 2022
Date :27/01/2023

RK/VR/SAR-1 (06/02/2023) 3P/5C