



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

Thursday, the Nineteenth 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

CMP(MD)Nos.9017 & 9019 of 2022
in
CMA(MD)Nos.623 & 624 of 2022

P.MOKKAIRAJA,

... PETITIONER/1st RESPONDENT
IN BOTH PETITIONS

Vs

1 L. GANESAN,

...1st RESPONDENT/2nd RESPONDENT
IN BOTH PETITIONS

2 P. PONRAMU,

...2nd RESPONDENT/3rd RESPONDENT
IN BOTH PETITIONS

3 THE MANAGER

SHRI RAM GENERAL INSURANCE COMPANY LIMITED,
ANNA NAGAR, MADURAI - 625 020.

...3rd RESPONDENT/APPELLANT
IN BOTH PETITIONS

PRAYER IN CMP(MD)No.9017 of 2022 in CMA(MD). 623/ 2022:

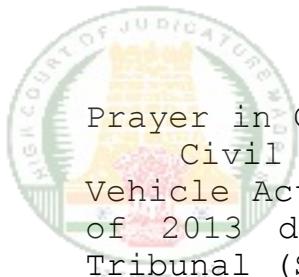
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw 50 percentage of the petitioners share amount with accrued interest and costs deposited to the credit of M.C.O.P.No.579 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Judge for MCOP Cases) Madurai.

Prayer in CMA(MD). 623/ 2022 :

Civil Miscellaneous Petition filed under Section 173 of Motor Vehicle Act to set aside the decree and judgment in M.C.O.P. No. 579 of 2013 dated 02.12.2021 on the file of Motor Accidents Claims Tribunal (Special District Judge for MCOP Cases), Madurai.

Prayer in CMP(MD). 9019/ 2022 in CMA(MD). 624/ 2022:

To permit the petitioner to withdraw 50 percentage of the petitioners share amount with accrued interest and costs deposited to the credit of M.C.O.P.No.581 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Judge for MCOP Cases)



Prayer in CMA(MD). 624/ 2022 :

Civil Miscellaneous Petition filed under Section 173 of Motor Vehicle Act to set aside the decree and judgment in M.C.O.P. No. 581 of 2013 dated 02.12.2021 on the file of Motor Accidents Claims Tribunal (Special District Judge for MCOP Cases), Madurai.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S C.GANESH KUMAR, Advocate for the petitioner in both petitions and of MR.N.SHYLLAPPA KALYAN, Advocate on behalf of the 3rd Respondent in both petitions, the court made the following order:-

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

These petitions have been filed by the petitioner/claimant to permit him to withdraw 50% of the award amount in both the cases.

(*)2. By separate orders dated 05.07.2022, interim stay was granted in both the appeals subject to the condition that the appellant in both the appeals shall deposit the entire award amount in both the appeals to the credit of the respective claim petitions. On such deposit, the Tribunal was directed to transfer the said amount to the credit of these appeals before the Indian Bank, Madurai Bench of Madras High Court, Madurai.

3. It is stated that the aforesaid conditional orders are complied with by the appellant in both the appeals.

4. Considering the reasons stated in the supporting affidavits, these petitions are allowed and the petitioner in both the petitions are permitted to withdraw 25% of the award amount in each of the appeals along with accrued interest, by filing appropriate application before the Tribunal.

sd/-
19/01/2023

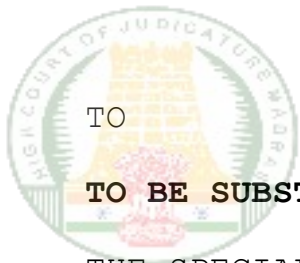
(*)CORRECTED AS PER ORDER OF THIS COURT DATED 19.04.2023 IN CMP(MD) NO.9017 & 9019 OF 2022 IN CMA(MD) No.623 & 624 OF 2022 BY RSMJ & LVGJ)

/ TRUE COPY /

20/04/2023

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

BALA



TO

TO BE SUBSTITUTE TO THE ORDER DATED 19/01/2023 ALREADY DESPATCHED

THE SPECIAL DISTRICT JUDGE,
FOR MCOP CASES, MOTOR ACCIDENT CLAIMS
TRIBUNAL, MADURAI.

COPY TO

THE BRANCH MANAGER,
INDIAN BANK,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S C.GANESH KUMAR, Advocate SR.No.845(I)

+1. C.C. to M/S C.GANESH KUMAR, Advocate SR.No.846(I)

ORDER

IN

CMP(MD)Nos.9017 & 9019 of 2022
in

CMA(MD)Nos.623 & 624 of 2022

Date :19/01/2023

PKP/BUC/SAR-2/30.01.2023/3P/5C

RK/SSS/SAR (20.04.2023) 3P/5C