



CMP(MD) No.11151 of 2023

WEB COPY

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

Friday, the Twenty Second day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN
and
The Hon`ble Mr.Justice P.B.BALAJI

CMP(MD) No.11151 of 2023
IN
CMA(MD) No.569 of 2023

1 SINDUJA,

2 MINOR. KARNIHA,
REPRESENTED BY HER MOTHER R.SINDUJA,

3 CHELLAMMAL,

4 MAHAMUNI, ... PETITIONERS/RESPONDENT 1 TO 4

Vs

1 M/S. RELIANCE GENERAL INSURANCE COMPANY LIMITED,
REPRESENTED BY ITS MANAGER,
2ND FLOOR, SRI ABIRAMI TOWERS,
NO. 43-B, COWLY BROWN ROAD,
R.S.PURAM, COIMBATORE. ... APPELLANT/1st RESPONDENT

2 R. VANITHA,

3 R. KAVIYA,



CMP(MD) No.11151 of 2023

4 MINOR. DEEPIKA,

WEB COPY

(MINOR 7TH RESPONDENT REPRESENTED THROUGH HER
MOTHER AND NATURAL GUARDIAN R.VANITHA, THE
5th RESPONDENT HEREIN)

... RESPONDENTS 2 TO 4/RESPONDENTS 5 TO 7

Civil Miscellaneous 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 50 percent of the award amount with interest deposited by the 1st respondent/ appellant in MCOP No.229 of 2020 before the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Karur.

Prayer in CMA(MD). 569/ 2023 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the judgment and decree dated 07th December, 2022 passed in MCOP. No. 229 of 2020 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), of Karur by allowing this appeal and thus render justice.

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.N.SHANMUGASELVAM, Advocate for the petitioner and of Mr.V.SAKTHIVEL, Advocate on behalf of the 1st Respondent, the court made the following order:-

(Order of the Court was made by RMT.TEEKAA RAMAN, J.,)

The claimants are the legal representatives of the deceased Mohankumar.

2. The present application has been filed to withdraw 50% of the award amount deposited by the appellant in the presence of the conditional order passed by this Court at the time of admission.

3. The Insurance company has filed this appeal on the ground of contributory



CMP(MD) No.11151 of 2023

negligence that the deceased has not wearing the helmet at the time of accident and the income tax was not properly made.

4. Taking into consideration the plight of the family and the medical expenses, we permit the petitioners 1,3 & 4 to withdraw their share in the 50% of the award amount deposited by the insurance company before the tribunal.

5. Post the appeal for final hearing in the usual course.

sd/-
22/12/2023

/ TRUE COPY /

/01/2024
Sub-Assistant Registrar
(C.S. I / II / III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM
TO
THE CHIEF JUDICIAL MAGISTRATE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KARUR.

ORDER
IN
CMP(MD) No.11151 of 2023
Date :22/12/2023

SA/JGB/SAR. /29.12.2023/3P/2C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.