



C.M.P.(MD)No.11080 of 2023

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

Thursday, the Twenty First 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.11080 of 2023
in
C.M.A.(MD)No.363 of 2021

1 CAUVERY

2 MUTHU

... PETITIONERS/1ST & 2ND RESPONDENTS

Vs

1 THE NATIONAL INSURANCE COMPANY LTD,
THROUGH ITS MANAGAR,
NO.12, MURUGA COMPLEX,
K.K.ROAD,VILLUPURAM,
VILLUPURAM DISTRICT

...1ST RESPONDENT/ APPELLANT

2 AYYAPPAN

...2ND RESPONDENT/3RD RESPONDENT

3 THE NATIONAL INSURANCE COMPANY,
THROUGH ITS DIVISIONAL MANAGER,
NORTH VELI STREET,
MANNAR SETHUPATHI HIGHER
SECONDARY SCHOOL,
MADURAI TOWN,
MADURAI DISTRICT

... 3RD RESPONDENT/4TH RESPONDENT



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Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to withdraw 50 percentage of the entire award amount with accrued interest and cost deposited and transferred to the credit of C.M.A(MD) No.363 of 2021 on the filed of this Honourable Court pending disposal of the above Civil Miscellaneous Appeal and thus render justice.

Prayer in CMA(MD). 363/ 2021 :

To set aside the judgment and decree by the Motor Accident Claims Tribunal, Sub Court, Devakottai in MCOP.No. 88 of 2016 dated 26-07-2018 and pass such further or other orders as this Honble Court may deem fit and thus render justice.

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.R.JENIFAR BIBIN, Advocate for the petitioner and of MR.D.SIVARAMAN, Advocate on behalf of the Respondent No.1, the court made the following order:-

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

This petition is for withdrawal of 50% of the amount awarded, which is Rs.73,74,000/-.

2. Infact, the admitted liability in this case is a sum of Rs.20,00,000/- and thus, there is thus no hindrance posed for withdrawal of this amount.

3. Be that as it may, at the time of admission, the Insurance Company has been directed to deposit the entirety of the amount with accrued interest and costs.



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4. Thus, in addition to the sum of Rs.20,00,000/-, which the petitioner is entitled to withdraw forthwith, he is entitled to another sum of Rs.5,00,000/- from the amount deposited, in all totalling Rs.25,00,000/-, apportionable 50% to each of the petitioners along with the proportionate accrued interest and costs.

5. Necessary documents be produced before the Tribunal to facilitate withdrawal of the amount as ordered above.

sd/-
21/09/2023

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/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,
SUB COURT,DEVAKOTTAI

+1 CC to M/s.R.JENIFAR BIBIN, Advocate (SR-14091[I] dated 22/09/2023)

ORDER IN
C.M.P.(MD)No.11080 of 2023
in C.M.A.(MD)No.363 of 2021
Date :21/09/2023

RK/GB (26/09/2023) 3P / 3C

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

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