



CMP(MD) No.12854 of 2023

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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.12854 of 2023
in
CMA(MD)No.612 of 2023

1 SUBITHA

2 MINOR ANN

3 MINOR SHEANN

4 STELLA BAI NADAR ... PETITIONERS/RESPONDENTS 1 TO 4

(MINOR R2 & R3 ARE REPRESENTED THROUGH
THEIR MOTHER AND NEXT GUARDIAN 1st
RESPONDENT HEREIN)

Vs

1 NATIONAL INSURANCE COMPANY LTD.,
THROUGH ITS BRANCH MANAGER,
NO.74-A, PARAMATHY ROAD,
NAMAKKAL. ... 1st RESPONDENT/ APPELLANT

2 CHANDRASEKAR ... 2nd RESPONDENT/5th RESPONDENT



CMP(MD) No.12854 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 permit the petitioner to withdraw the 50 percent of award amount with interest and cost which was deposited in the credit of MCOP.No.77 of 2018 on the file of Learned Motor Accident Claims Tribunal, Chief Judicial Magistrate, Tirunelveli.

Prayer in CMA(MD). 612/ 2023 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the judgment and decree made in M.C.O.P.No.77 of 2018 dated 20-07-2022 on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate Court, Tirunelveli and allow the appeal with costs.

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.V.SASIKUMAR, Advocate for the petitioner and of Mr.J.S.MURALI, Advocate on behalf of the 1st Respondent, the Court made the following order:-

(Order of the Court was made by P.B.BALAJI, J.,)

The claimants are wife, minor children and mother of the deceased Anil Kumar, who died in the motor accident.

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. Considering the facts and circumstances of the case as well as the grounds raised by the Insurance Company in the appeal, we permit the respondents 1 & 4 to withdraw their respective shares in Rs.50,00,000/-, since the insurance company has admitted their liability to the tune of Rs.54,65,025/-.



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4. Accordingly, this petition is ordered.

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sd/-
22/12/2023

/ TRUE COPY /

/12/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AM

TO

THE MOTOR ACCIDENTS CLAIMS
TRIBUNAL/CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

+1 CC to M/s.J.S.MURALI, Advocate (SR-18343[I] dated 22/12/2023)

+1 CC to M/s.V.SASI KUMAR, Advocate (SR-18350[I] dated 22/12/2023)

ORDER
IN
CMP(MD) No.12854 of 2023
in
CMA(MD)No.612 of 2023
Date :22/12/2023

SS/VR/SAR- /28/12/2023/3P/4C

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