



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) No.9585 of 2022
in
CMA (MD) No.836 of 2022

1 ISAIMALA

2 MINOR SIVARUTHRA BOOMITHA

(2ND MINOR PETITIONER REPRESENT
THROUGH HER MOTHER/NATURAL GUARDIAN
1ST PETITIONER)

3 CHANDRA

4 SUBRAMANIAN

... PETITIONERS/
RESPONDENTS 1 TO 4

Vs

1 THE BRANCH MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED,
OFFICE AT DOOR NO.1, POST OFFICE ROAD,
PALAYAMKOTTAI,
TIRUNELVLEI-627 002.

...1ST RESPONDENT/APELLANT

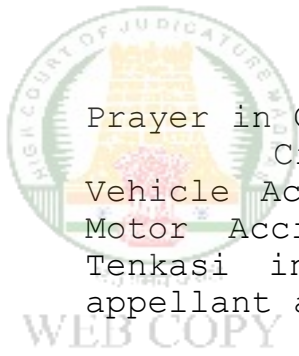
2 MAHALAKSHMI

3 THE BRANCH MANAGER
THE NEW INDIA ASSURANCE COMAPNY LIMITED,
D.NO.26/6,FIRST FLOOR,
PERUMAL KOVIL STREET,
TENKASI-627 811.

... RESPONDENTS 2&3/
RESPONDENTS 5 & 6

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 percentage of the amount awarded by the Motor Vehicle Accident Claims Tribunal (Additional District Court (Fast Track Court), Tenkasi in MCOP.No.57 of 2019 on 14-06-2022 along with accrued interest and

<https://www.mca21.com>



Prayer in CMA(MD). 836/ 2022 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the order passed by Learned Additional Motor Accident Claims Tribunal/Additional District Court (FTC), Tenkasi in MCOP.No.57 of 2019 dated 14-06-2022 as against the appellant and allow the appeal 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.M.JOTHI BASU, Advocate for the petitioner and of M/S.N.DILIPKUMAR, Advocate on behalf of the Respondent No.1 and M/S.D.SIVARAMAN, Advocate for the Respondent No.3 the court made the following order:-

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

This petition has been filed by the petitioners/claimants to permit them to withdraw 50% of the award amount deposited by the 1st respondent/appellant.

2. By order dated 02.09.2022, interim stay was granted subject to the condition that the 1st respondent/appellant shall deposit 50% of the award amount to the credit of the claim petition. On such deposit, the Tribunal was directed to transfer the said amount to the credit of this appeal before the Indian Bank, Madurai Bench of Madras High Court, Madurai.

3. It is stated that the aforesaid conditional order is complied with by the 1st respondent/appellant.

4. Considering the reasons stated in the supporting affidavit, this petition is allowed and the petitioners 1 and 3 are permitted to withdraw 50% of their respective shares of the award amount along with respective accrued interest, by filing appropriate application before the Tribunal. The balance amount including the 2nd petitioner/minor's share shall be deposited in a Fixed Deposit, renewable periodically till the disposal of this appeal. The interest accruing on such minor's share is permitted to be withdrawn by the 1st petitioner once in three months directly from the Bank. Since the claim petition has been dismissed as against the 4th petitioner herein, he is not entitled to seek withdrawal of any compensation.

5. The 1st respondent/appellant is also directed to deposit the balance award amount with interest to the credit of MCOP.No.57 of 2019 on the file of the Motor Accident Claims Tribunal/Additional District Court (FTC), Tenkasi, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the Tribunal is directed to transfer the said amount to the credit of CMA(MD)No.836 of 2022 before the Indian Bank, High Court Branch, Madurai, which amount shall be deposited by the Indian Bank in an interest bearing Fixed deposit till the disposal of this appeal.



CMP(MD)



22

The petitioners herein are not entitled to seek withdrawal of balance award amount till the disposal of this appeal.

sd/-
19/01/2023

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/ TRUE COPY /

/01/2023

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

BALA

TO

THE MOTOR VEHICLE ACCIDENT CLAIMS TRIBUNAL
(ADDITIONAL DISTRICT COURT (FAST TRACK COURT),
TENKASI

COPY TO

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

+1 CC to M/s.M. JOTHI BASU, Advocate (SR-865[I] dated 20/01/2023)

+1 CC to M/s.DILIP KUMAR .N, Advocate (SR-900[I] dated 20/01/2023)

ORDER

IN

CMP (MD) No.9585 of 2022

in

CMA (MD) No.836 of 2022

Date :19/01/2023

RK/BUC/SAR-4 (27/01/2023) 4P/5C