



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.10307 of 2022
in
CMA (MD) No.790 of 2022

1 R.PANDEESHWARI,

2 MINOR R.ARUNA KARTHIKA,
(THE 2ND PETITIONER IS A MINOR, REPRESENT
BY HER MOTHER AND NATURAL GUARDIAN)

3 M.MARIAMMAL, ... PETITIONERS/RESPONDENTS 1 TO 3

Vs

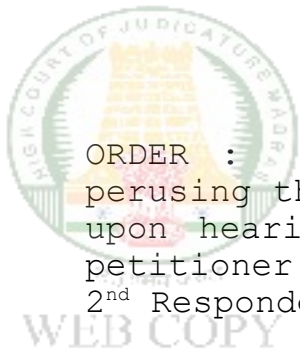
1 CLAIMS MANAGER
ROYAL SUNDARAM GENERAL INSURANCE LIMITED,
SUBRAMANIAM BUILDINGS,
1, CLAP HOUSING ROAD,
ANNA SALAI, CHENNAI 600 002. ...1st RESPONDENT/APELLANT

2 M/S MERCURY CAR RENTALS PRIVATE LIMITED,
DOOR NO. 37-30, M.G.ROAD,
BANGALORE NORTH, BANGALORE,
KARNATAKA 560001 ... 2nd RESPONDENT/4th RESPONDENT

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 amount
awarded by the Motor Accident Claim Tribunal (Principal District
Judge), Virudhunagar District at Srivilliputhur in MCOP No. 25/2019
on 02.03.2022 along with accrued interest.

Prayer in CMA(MD). 790/ 2022 :

Civil Miscellaneous Petition filed under section 173 of Motor
Vehicles Act to set aside the fair and decretal order dated
02.03.2022 made in MCOP. No. 25 of 2019 on the file of Motor
Accident Claims Tribunal, (Principal District Judge), Virudhunagar
District at Srivilliputhur, and allow this Civil Miscellaneous



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 MR.S.SRINIVASARAGHAVAN, Advocate on behalf of the 2nd Respondent, 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 17.08.2022, interim stay was granted subject to the condition that the 1st respondent/appellant shall deposit 75% of the award amount to the credit of the claim petition within a period of four weeks. 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 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.

5. The 1st respondent/appellant is also directed to deposit the balance award amount with interest to the credit of MCOP.No.25 of 2019 on the file of the Motor Accident Claims Tribunal, Principal District Judge, Virudhunagar at Srivilliputhur, within a period of six 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.790 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. The petitioners herein are not entitled to seek withdrawal of such balance award amount till the disposal of this appeal.

sd/-

19/01/2023

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/01/2023

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



CMP(MD)N



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BALA

TO
THE PRINCIPAL DISTRICT JUDGE
MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR DISTRICT.

COPY TO

THE BRANCH MANAGER
INDIAN BANK
HIGH COURT BRANCH
MADURAI.

++1 CC to M/s.M. JOTHI BASU, Advocate (SR-866[I] dated 20/01/2023)

+1 CC to M/s.S.SRINIVASA RAGHAVAN ---, Advocate (SR-897[I] dated 20/01/2023)

ORDER
IN
CMP (MD) No.10307 of 2022
in
CMA (MD) No.790 of 2022
Date :19/01/2023

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