



CMP(MD) No.13631 of 2023

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

Thursday, the Thirtieth day of November 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.13631 of 2023
in
CMA(MD)No. 983 of 2022

1 RAVI,

2 CHITRA,

3 SARANYA,

4 VIJL,

5 MUKESH BABU,

... PETITIONERS 1 to 5/ RESPONDENTS 1 to 5

Vs

1 RELIANCE GENERAL INSURANCE COMPANY LIMITED,
REPRESENTED BY ITS
BRANCH MANAGER,
NO. 184/9B/7, VVD MAIN ROAD,
NEAR STATE BANK OF INDIA,
TUTICORIN DISTRICT.

...1st RESPONDENT/ APPELLANT

2 MANOJ KUMAR,
KANCHIRANGAL VILLAGE,
SIVAGANGAI TALUK,
SIVAGANGAI DISTRICT.

... 2nd RESPONDENT/6th 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 permit the petitioners herein/Respondents 1 to 5 withdraw the 50 percentage of the compensation amount, which has been deposited by the 1st respondent/appellant in M.C.O.P. No. 1 of 2018, on the file of the MACT (Additional District Court), Sivagangai, pending disposal of the above Civil Miscellaneous Appeal.

Prayer in CMA(MD). 983/ 2022 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the judgment and decree dated 8th July, 2022 passed in MCOP. No. 1 of 2018 on the file of the Motor accident Claim Tribunal (Additional District Judge, Additional District Court), Sivagangai by allowing this appeal.

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.K.SEKAR, 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 P.B.BALAJI,J)

The present Civil Miscellaneous Petition has been taken out by the claimants seeking permission to withdraw 50% of the compensation amount deposited by the appellant in the MCOP proceedings.

2. Challenge to the award is mainly on the ground that the pillion rider was not wearing a helmet and further, the income of the deceased was arrived at notionally and therefore, 50% of the award amount deposited by the appellant can be withdrawn, without any interest, as no prejudice would be caused to the appellant insurance company in view of the above specific grounds of challenge to the award in

the MCOP. The Tribunal has awarded compensation only to the claimants 1 & 2,

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who are the parents of the deceased and dismissed the claim of the claimants 3 to 5 on the ground that they are not dependents of the deceased. Therefore, the claimants 1 & 2 alone are entitled to withdraw the compensation amount.

3. Accordingly, this petition is ordered and the claimants 1 & 2 are permitted to withdraw 50% of the compensation amount, without any interest and costs.

4. Post the matter on 12.12.2023 for final hearing.

sd/-
30/11/2023

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

AM
TO
THE ADDITIONAL DISTRICT JUDGE
ADDITIONAL DISTRICT COURT, MOTOR ACCIDENT
CLAIM TRIBUNAL, SIVAGANGAI.

+1 CC to M/s.K.SEKAR, Advocate (SR-17161[I] dated 01/12/2023)

ORDER
IN
CMP(MD) No.13631 of 2023
in
CMA(MD)No. 983 of 2022
Date :30/11/2023

PKP/DD/SAR- /04.12.2023/ 3P/ 3C
Madurai Bench of Madras High Court is issuing certified
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