



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

Wednesday, the Fourth day of January Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD) No.11718 of 2022

IN

CMA(MD) No.143 of 2022

1 RAJESHWARI

2 MINOR. POOL KUMAR

3 MINOR. HARIHARAN,
(MINOR RESPONDENTS 2 AND 3 ARE REPRESENTED
THROUGH THEIR MOTHER AND NEXT GUARDIAN THE
1ST PETITIONER HEREIN)

4 ESAKKIKUMAR

... PETITIONERS/RESPONDENTS 1 TO 4

Vs

M/S.TAMIL NADU STATE TRANSPOR
T CORPORATION LIMITED,
REP. BY ITS MANAGING DIRECTOR,
NO. 2, THIRUVANATHAPURAM ROAD,
VANNARAPETTAI, TIRUNELVELI.

... RESPONDENT/APELLANT

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 entire deposited amount to credit of MCOP.No. 1478 of 2018 on the file of the Motor Accident Claims Tribunal (III Additional District Court)Tirunelveli, pending disposal of the above civil miscellaneous petition.

Prayer in CMA(MD). 143/ 2022 :

To call for the records relating to the Award dated 28.02.2020 passed in M.C.O.P. No. 1478 of 2018 by the Motor Accident Claims Tribunal (III- Additional District Court) Tirunelveli and to set aside the same.

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.T.SELVAKUMARAN, Advocate for the petitioner and of Mr.R.RAJAMOHAN, Advocate on behalf of the Respondent, the Court made the following order:-



This petition is filed to withdraw the entire award deposited by the respondent to the credit of M.C.O.P.No.1478 of 2018 on the file of the Motor Accident Claim Tribunal (III Additional District Court, Tirunelveli, pending disposal of the above Civil Miscellaneous Appeal.

WEB COPY

2.The learned counsel for the petitioners/claimants submits that the Transport Corporation has deposited a sum of Rs.22,25,753/- before the Motor Accident Claim Tribunal (III Additional District Court, Tirunelveli, in which, the admitted liability is Rs.15,32,000/-. There is no dispute as regards the liability of the Transport Corporation for the amount of Rs.15,32,000/-.

"3. The petitioners / claimants are entitled to the admitted liability of Rs.15,32,000/-, which has already been deposited before the Tribunal, as per the ratio of the apportionment fixed by the Tribunal. The petitioners 1 and 4 / claimants are permitted to withdraw their shares as per the apportionment fixed by the Tribunal. The share of the minor respondents 2 and 3 shall be deposited in any one of the Nationalised Banks till they attain majority and the mother of the petitioners 2 and 3 / claimants is permitted to withdraw the accrued interest of minors once in three months directly from the Bank."

sd/-

04/01/2023

(*)For Being Mentioned as per order of this Hon'ble Court dated 15/02/2023 in CMP(MD).11718/2022.

/ TRUE COPY /

/02/2023

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

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 04/01/2023 ALREADY DESPATCHED
THE III ADDITIONAL DISTRICT JUDGE/
MOTOR ACCIDENT CLAIMS TRIBUNAL,
TIRUNELVELI.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-259[I] dated 06/01/2023)

ORDER

IN

CMP(MD) No.11718 of 2022

IN

CMA(MD) No.143 of 2022

Date :04/01/2023

SS/BUC/SAR II/31/01/2023/ 2P 3C

RKP/SSS/SAR-3/20.02.2023/2P/3C

<https://www.mhc.in.gov.in/judis>