



CMP(MD) No.12271 of 2022

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

Thursday, the Twenty Seventh day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Dr.Justice ANITA SUMANTH
and
The Hon`ble Mr.Justice R.VIJAYAKUMAR

CMP(MD) No.12271 of 2022
IN
CMA(MD) No.825 of 2022

1 S.KAMALIN

2 MINOR.RUSKIN REJOIE

3 MINOR.BRUSKILA

(MINORS PETITIONERS 2 & 3 ARE
REPRESENTED THEIR FRIEND,
MOTHER WHO IS THE 1ST
PETITIONER HEREIN)

4 SELVI

... PETITIONERS/RESPONDENTS 1 TO 4

Vs

1 UNITED INDIA INSURANCE COMPANY LTD.,
REPRESENTED BY ITS MANAGER,NO.19/1,
1ST FLOOR,
KALPANA COMPLEX, BIRDS ROAD,
TIRUCHIRAPPALI DISTRICT,
TAMILNADU.

... 1st RESPONDENT/ APPELLANT

2 YESUDHASAN

<https://www.hmc.tn.gov.in/judis>



CMP(MD) No.12271 of 2022

3 MOHANAN NAIR

... 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 Accident claims Tribunal, Subordinate Court, Kuzhithurai in MCOP.No.20 of 2018 dated on 30-03-2022 along with accrued interest and thus render justice.

Prayer in CMA(MD). 825/ 2022 :

Civil Miscellaneous Petition filed under Section 173 of Motor Vehicle Act to set aside the judgment and decree passed in M.C.O.P.No.20 of 2018 dated 30-03-2022 on the file of the Motor Accidents Claims Tribunal, Subordinate Court, Kuzhithurai and allow the appeal with costs 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.R.SREENIVASAN, 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 DR.ANITA SUMANTH, J.)

For the reasons set out in the petition seeking withdrawal and also for the reason that Mr.J.S.Murali, learned counsel for the appellant in appeal and first respondent in the petition does not very seriously object for the relief sought for, this Civil Miscellaneous Petition is ordered.

2. The petitioners are permitted to approach the Tribunal with necessary documents seeking withdrawal. The second and third claimants were minors at that



CMP(MD) No.12271 of 2022

time and pending appeal, they attained majority. They have sought declaration of majority which has also been accepted.

3. The withdrawal of the amount deposited shall be in the same proposition as set out by the Motor Accident Claims Tribunal / Subordinate Court, Kuzhithurai, at para 4 of the interim page 3 of the judgment and decree dated 30.03.2022.

4. List the Civil Miscellaneous Appeal for hearing in due course.

sd/-
27/07/2023

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31/07/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM
TO
THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, KUZHITHURAI.
COPY TO:
THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
+1. C.C. to M/S.J.S.MURALI, Advocate SR.No.11415

ORDER IN
CMP(MD) No.12271 of 2022
IN
CMA(MD) No.825 of 2022
Date :27/07/2023

SA/SAR. /31.07.2023/3P/4C
Madurai Bench of Madras High Court is issuing certified
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