



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

Tuesday, the Seventh day of February Two Thousand and Twenty Three

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PRESENT

The Hon`ble Mrs.Justice N.MALA

CMP(MD) No.12395 of 2022
IN
CMA(MD)No.539 of 2022

K.MATHIYALAGAN, ... PETITIONER/1st RESPONENT/PETITIONER
Vs

1 K. SUBRAMANIAN, ...1st RESPONDENT/2nd RESPONDENT/1st RESPONDENT
2 M/S.SRI RAM GENERAL INSURANCE COMPANY LIMITED,
NO.E-8, RIICO, INDUSTRIAL AREA,
SITAPURA, JAIPUR, RAJASTATHAN - 302 022,
REPRESENTED BY THE MANAGER. ... 2nd RESPONDENT/APPELLANT
/2nd RESPONDENT

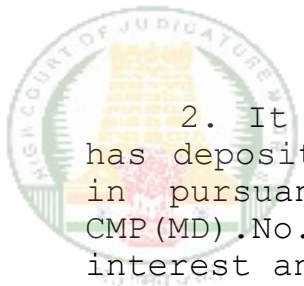
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass necessary orders by allowing this petition and thereby permit the petitioners to withdraw the 50 percent of the tribunal award amount with proportionate accrued interest and costs which was deposited by the 2nd respondent in MCOP.No. 704 of 2014 on the file of the Motor Accident Claims Tribunal/Special Subordinate Judge,Tiruchirappalli.

Prayer in C.M.A(MD)No.539 of 2022:

To set aside the decree and judgment in M.C.O.P.No.704 of 2014 dated 16.12.2021 on the file of Motor Accidents Claims Tribunal (Special Subordinate Judge), Tiruchirappalli.

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.N.SUDHAGAR NAGARAJ, Advocate for the petitioner and of MR.N.SHYLLAPPA KALYAN, Advocate on behalf of the 2nd Respondent, the court made the following order:-

This petition is filed to permit the petitioner to withdraw 50% of the amount awarded by the Tribunal in M.C.O.P.No. 704 of 2014 on the file of the Motor Accidents Claims Tribunal / Special Subordinate Judge, Thiruchirappalli.



2. It is submitted that the 2nd respondent / Insurance Company has deposited a sum of Rs.9,42,700/- being the 50% of award amount in pursuance of the order passed by this Court, dated 17.06.2022 in CMP(MD).No.4771 of 2022 in CMA(MD).No.539 of 2022 with proportionate interest and costs before the Tribunal.

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3. The learned counsel appearing for the 2nd respondent / Insurance Company submits that the appeal is filed by the 2nd respondent questioning both the quantum as well as negligence. He further submits that the petitioner was not possessing a valid driving licence and that the negligence was on his part.

4. In any event, considering the fact that the insured vehicle was a heavy vehicle viz., Lorry and the claimant was riding a two wheeler at the time of accident, this petitioner can be permitted to withdraw 50% of the deposited amount with proportionate interest and costs.

5. Accordingly, this petition is ordered.

sd/-

07/02/2023

/ TRUE COPY /

/02/2023

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

TRP

TO

THE SPECIAL SUBORDINATE JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL,
TIRUCHIRAPPALLI.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-1945[I] dated 08/02/2023)

ORDER

IN

CMP(MD) No.12395 of 2022

IN

CMA(MD) No.539 of 2022

Date :07/02/2023

PKP/BUC/SAR-2/14.02.2023/2P/3C