



CMP(MD) No.16716 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)
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Thursday, the Twenty First day of December 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.16716 of 2023
in
CMA(MD)No.353 of 2023

V. VENKATAKRISHNAN ... PETITIONER/2nd RESPONDENT/
2nd RESPONDENT

Vs

1 M/S. NATIONAL INSURANCE COMPANY LIMITED,
BRANCH NO.1, REPRESENTED BY ITS MANAGER,
(PROMENADE ROAD), CANTONMENT TIRUCHIRAPPALLI TOWN,
TIRUCHIRAPPALLI DISTRICT ... 1st RESPONDENT/PETITIONER/APPELLANT

2 V.CHITRA

3 MINOR V.APARNA ... RESPONDENTS 2 & 3/RESPONDENTS 1 & 3/
RESPONDENT 1 & 3

(MINOR REP BY HER MOTHER NATURAL
GUARDIAN 2nd RESPONDENT HEREIN)

4 K.PRAKASH

5 S.MOHANA RENGAN ... RESPONDENTS 4 & 5/RESPONDENTS 4 & 5/
RESPONDENT 4 & 5



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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 to withdrawal my half share 12,50,000/- (Twelve Lakhs Fifty Thousand Rupees only) remaining in the deposit amount of Rs.25,00,000/- (Twenty Five Lakhs Rupees only) in the credit of MCOP No.196 of 2018 on the file of the Motor Accident Claim Tribunal, Karur.

Prayer in CMA(MD). 353/ 2023 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the Award in M.C.O.P. No. 196 of 2018 dated 12.07.2022 on the file of the Motor Accidents Claims Tribunal, Principal District Court, Karur and allow the appeal with costs.

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 Mr.I.VELPRADEEP, Advocate for the petitioner and of Mr.J.S.MURALI, Advocate on behalf of the 1st Respondent, the Court made the following order:-

After hearing the rival submissions, we find that originally the petitioner has filed claim petition as minor and after attaining majority, he has filed C.M.P(MD) No.16716 of 2023 and the petitioner was declared as major. Now he has filed an application for withdrawal of portion of the amount for his further education.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. The learned counsel for the insurance company would submit that they have filed the appeal on the point of limitation, negligence and quantum. There is a condition violation in the policy.



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4. Considering the facts and circumstances of the case, this petition is allowed
and the petitioner is permitted to withdraw Rs.10 lakhs.

5. Post the appeal on 29.01.2024.

sd/-
21/12/2023

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

CM

TO

THE PRINCIPAL DISTRICT JUDGE,
MOTOR ACCIDENTS CLAIMS TRIBUNAL, KARUR.

+1 CC to M/s.J.S.MURALI, Advocate (SR-18341[I] dated 22/12/2023)

ORDER
IN
CMP(MD) No.16716 of 2023
in
CMA(MD)No.353 of 2023
Date :21/12/2023

SS/JGB/SAR- /28/12/2023/3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023