



CMP(MD) No.17048 of 2023

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

Tuesday, the Nineteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CMP(MD) No.17048 of 2023

IN

CMA(MD) No.829 of 2023

THANKARAJ

... PETITIONER/1st RESPONDENT

Vs

1 ORIENTAL INSURANCE BY THE BUSINESS CENTRE,
KANNUMAMOODU, PALUGAL,
KANYAKUMARI DISTRICT - 629 170

... RESPONDENT/ APPELLANT

2 JUDE

3 SREELATHA

... RESPONDENTS/RESPONDENTS 2 & 3

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant permission to the petitioner to withdraw the entire deposited amonut with accrued interest in MCOP No.96 of 2018 on the file of Motor Accidents Claims Tribunal, (Subordinate Judge), Kuzhithurai, account by the appellant or other order or orders as this Honourble Court may deem fit and proper in the circumstances of the case in the interest of justice.

Prayer in CMA(MD). 829/ 2023 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act, to set aside the order of the Motor Accident Claims Tribunal cum Sub Ordinate Judge, Kuzhithurai made in the order and Decree dated 06/04/2023 in MCOP 96/2018 and allow this appeal with cost and render justice.

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



CMP(MD) No.17048 of 2023

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.S.SIVAKUMAR, Advocate for the petitioner and of Mr.E.CHANDRASEKARAN, Advocate on behalf of the 1st Respondent, the court made the following order:-

This petition is filed to grant permission to the petitioner to withdraw the entire deposited amount with accrued interest in M.C.O.P.No.96 of 2018 on the file of Motor Accidents Claims Tribunal (Subordinate Judge), Kuzhithurai.

2. The learned counsel for the respondent / appellant in the main appeal submitted that this appeal is filed challenging the quantum of compensation, i.e., Rs.1,50,000/- awarded under the head of pain and sufferings, which is excessive. That apart, without any recommendation from the Doctor, a sum of Rs.80,000/- awarded towards future medical expenses and the interest that was directed to be paid for these amount.

3. In the said circumstances, this Court permits the petitioner to withdraw 50% of the deposited amount with interest and costs. Accordingly, this Civil Miscellaneous Petition is allowed in part.

sd/-
19/12/2023

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



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CP
TO
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THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KUZHITHURAI.

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-17985[I] dated 19/12/2023)

ORDER
IN
CMP(MD) No.17048 of 2023
IN
CMA(MD) No.829 of 2023
Date :19/12/2023

SA/JGB/SAR. /28.12.2023/3P/3C

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