



CMP.No.5136 of 2024
in
CMA.No.2921 of 2023

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

The petitioners seek permission to withdraw the amount that was deposited pursuant to the interim order of this Court made in the stay petition viz., CMP.No.27434 of 2023.

2. The claimants were awarded a compensation of Rs.26,87,000/- for the death of one Iyyappan in a motor accident that took place on 30.12.2017. While admitting the appeal, this Court had granted stay on condition the Insurance Company deposits 75% of the compensation into Court.

3. This conditional order has been complied with.

4. On a over all analysis, we find that the claimants can be permitted to withdraw the entire amount of 75%, as the appeal by the Insurance Company is only on quantum and non-deduction of any amount towards contributory negligence on the part of the deceased, since he was not wearing a helmet. A cross-objection has also been filed.



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5. The Tribunal has taken the monthly income at Rs.13,000/-, which cannot be said to be very high. Hence, we find that it will be in the interest of justice to permit the petitioners to withdraw the entire compensation so deposited. The major claimants viz., the petitioners 1, 4 and 5 are permitted to withdraw 75% of the amount as apportioned to them by the Tribunal with proportionate interest. The shares of the minor claimants is directed to be kept in a cumulative interest earning Fixed Deposit in a Nationalized Bank initially for a period of two (2) years.

6. This petition is ordered accordingly.

(R.S.M., J.) (R.S.V., J.)
15.03.2024

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