



CMP.No.22006 of 2024
in CMA.No.2431 of 2022

J.NISHA BANU, J.
and **R.SAKTHIVEL,J.**

This petition is filed by the petitioner/1st respondent in CMA/claimant seeking permission to withdraw the amount which has been deposited by the appellant/Insurance company in CMA.No.2431/2022.

2. The petitioner/claimant suffered amputation in the accident and the Tribunal awarded compensation of Rs.69,20,476/- with 7.5% interest. The appellant-Insurance company filed the appeal mainly on the ground that Medical Board given the disability certificate as 80%, but the Tribunal has taken 100% functional disability and raised other grounds such as the compensation awarded under various heads are unsustainable.

3. The Tribunal taking note of the injuries, amputation and functional disability, determined loss of earning capacity as Rs.53,76,000/-. Since the appeal is pending for final hearing, the claimant seeks permission to withdraw the deposited award amount.

4. At the time of admission, on 14.11.2022, this court directed the appellant-



insurance company to deposit 50% of the award amount with accrued interest and cost to the credit of MCOP.No.201 of 2016 and further direction was given to the Tribunal to deposit the said amount to the credit of CMA.No.2431 of 2022 before the Indian Bank, High Court Branch, Chennai, in a Fixed Deposit, initially for a period of one year and renewable thereafter, till the disposal of the appeal.

5. It is stated by the petitioner in the affidavit filed in support of the CMP that he is spending huge expenses towards fixing artificial leg, medical expenses and that after the accident, since he lost his job, he is put to difficult financial position. The petitioner therefore, sought permission of this court to withdraw the amount deposited by the appellant-insurance company.

6. Considering the above submissions, we permit the petitioner/claimant/1st respondent to withdraw the amount deposited by the appellant-insurance company in CMA.No.2431 of 2022.

7. This CMP is ordered accordingly.

sk/nvsri

(J.N.B.,J.) (R.S.V.,J.)
05.12.2024



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and
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