



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CMA No.1184 of 2024
and CMP No.10637 of 2024

Raja alias Purushothaman

..Appellant

.VS.

1.Chinna Pasavaraj Hundi

2.The Branch Manager

M/s.The New India Assurance Co. Ltd.,

Having office at

Kumbakonam town, Kumbakonam Taluk,

Tanjavur District.

Trichy - 620 004.

..Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, to set aside the award against the judgment in MCOP No.77 of 2018 dated 07.03.2022 on the file of the Motor Accident Claims Tribuna/Sub Court, Nagapattinam.

For Appellant : Mr.R.Balaguruswamy

For Respondents : Mr.J.Chandran for R2



JUDGMENT

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The claimant aggrieved by one of the condition imposed by the Tribunal directing the compensation amount to be deposited in a Fixed Deposit for three years, has filed the present appeal challenging the Award passed by the MACT/Sub Court, Nagapattinam in MCOP No.77 of 2018, dated 07.03.2022.

2.Heard Mr.R.Balaguruswamy, learned counsel appearing on behalf of the appellant and Mr.J.Chandran, learned counsel appearing on behalf of the 2nd respondent.

3.The main ground that was raised by the learned counsel for the appellant is that the claimant is the injured in this case and he had suffered serious injuries. Therefore, he requires the compensation amount to take care of himself and whereas, the Tribunal has directed the compensation amount to be deposited in a Fixed Deposit in a nationalized bank for three years and the claimant is aggrieved by this condition imposed by the Tribunal.

4.In the considered view of this Court, the only claimant in this case is the injured and therefore, no useful purpose will be served in keeping the compensation amount in the nationalized bank for three years. That apart, it is also brought to



notice of this Court that the Insurance Company has already deposited the entire compensation amount with interest totalling a sum of Rs.5,62,907/- This amount can be permitted to be withdrawn by the appellant.

5.In view of the above, Condition No.4 imposed by the Tribunal is hereby set aside and the appellant/claimant is permitted to withdraw the sum of Rs.5,62,907/-. The other directions issued by the Tribunal with regard to the mode of payment of compensation remains unaltered.

6.In the result, this civil miscellaneous appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
ssr

To

The Motor Accident Claims Tribuna/Sub Court, Nagapattinam.



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N. ANAND VENKATESH., J

SSR

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