



C.M.P.(MD)No.11474 of 2024

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

Monday, the Twenty Eighth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

C.M.P.(MD)No.11474 of 2024

in

C.M.A.(MD) No.211 of 2024

G.RADHAKRISHNAN

... PETITIONER/ APPELLANT

Vs

1 K.GANAPATHY

2 THE DIVISIONAL MANAGER

THE NEW INDIA ASSURANCE COMPANY LIMITED,
MADURAI ROAD,
VIRUDHUNAGAR.

... RESPONDENTS/RESPONDENTS

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Withdraw the award amount with interest deposited by the 2nd respondent in M.C.O.P No.89 of 2020 on the file of the Motor Accident Claims Tribunal (Sub Court) Virudhunagar, pending disposal of the above Civil Miscellaneous Appeal and thus render justice.

Prayer in CMA(MD). 211/ 2024 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the judgment and decree made in M.C.O.P.No.89 of 2020 on the file of the Motor Accident Claims Tribunal (Sub Court),Virudhunagar dated 25-09-2023 and

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



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allow the civil miscellaneous appeal and thus render justice.

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ORDER : This Criminal 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.G.GANESH KUMAR, Advocate for the petitioner and of Mr.V.KARTHIKEYAN, Advocate for the 1st Respondent and M/s.P.MALINI, Advocate on behalf of the 2nd Respondent, the court made the following order:-

This petition is filed to permit the petitioner to withdraw the award amount with interest deposited by the second respondent.

2. The petitioner/claimant has filed the appeal seeking enhancement. The second respondent has not challenged the quantum of compensation. Hence, the petitioner is permitted to withdraw the amount deposited by the second respondent by filing suitable application before the Tribunal. Hence, this petition is allowed.

3. Post the appeal for final hearing after six weeks.

sd/-
28/10/2024

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/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO
THE SUBORDINATE JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
VIRUDHUNAGAR.



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ORDER
IN
C.M.P.(MD)No.11474 of 2024
in
C.M.A.(MD) No.211 of 2024
Date :28/10/2024

SA/JGB/SAR. /04.11.2024/3P/2C

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