



CMP(MD) No.12556 of 2024

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

Tuesday, the Twenty Ninth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice SUNDER MOHAN

CMP(MD) No.12556 of 2024

in

CMA(MD)NO.652 of 2024

MANIKANDAN

... PETITIONER/RESPONDENT

Vs

1 THE DIVISIONAL MANAGER
UNITED INDIA INSURANCE COMPANY LIMITED,
SECOND FLOOR, K.A.R.TOWERS,
R.S.ROAD,
DINDIGUL.

... 1st RESPONDENT/ APPELLANT

2 KANISHKA

... 2nd RESPONDENT/2nd RESPONDENT

Civil Miscellaneous petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to permit the petitioner to withdraw the deposit amount deposited by the respondent/ Appellant in MCOP No.344/2021 before the Honourable Special Sub Judge, Dindigul in CMA(MD) No.652 of 2024.

Prayer in CMA(MD). 652/ 2024 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside or modify the order of the Tribunal dated 23-03-2023 passed in M.C.O.P.No.344 of 2021 on the file of the Special Sub Court, Dindigul and allow the appeal with costs



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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 Mr.S.PUGALENDHI, Advocate for the petitioner and of Mr.M.JAYAKUMAR, Advocate on behalf of the 1st Respondent, the Court made the following order:-

This petition is filed seeking permission to withdraw the amount deposited by the respondent/appellant/Insurance Company.

2.Heard the learned counsel for the petitioner and the learned counsel for the first respondent.

3. It is reported that as per interim order of this Court dated 27.06.2024, 50% of the compensation amount was deposited.

4. The learned counsel for the appellant/Insurance Company submitted that the Tribunal ought to have adopted percentage method in awarding compensation and if percentage method is adopted, the admitted liability would be Rs.4 lakhs.

5. In view of the above submission, the petitioner is permitted to withdraw Rs.4 lakhs out of the deposited amount with accrued interest.

6. This petition is allowed.



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7. Registry is directed to post the main appeal in the first week of December 2024 for final hearing.

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sd/-
29/10/2024

/11/2024

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

CM
TO

THE SPECIAL SUBORDINATE JUDGE,
DINDIGUL.

COPY TO:
THE SECTION OFFICER,
JUDICIAL SECTION,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CMP(MD) No.12556 of 2024
in
CMA(MD)NO.652 of 2024
Date :29/10/2024

SS/JGB/SAR- /07/11/2024/ 3P/3C

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