



CMP(MD) No.16045 of 2024

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

Monday, the Sixteenth day of December Two Thousand and Twenty Four

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN
and
The HONOURABLE MS. JUSTICE R. POORNIMA

CMP(MD) No.16045 of 2024
in
CMA(MD)No.737 of 2023

SABARI DEVI

... PETITIONER/2nd RESPONDENT

Vs

1 THE BRANCH MANAGER
NATIONAL INSURANCE COMPANY LIMITED,
2ND FLOOR, CSX TOWERS,
STOCK EXCHANGE BUILDING, NO.684, TRICHY ROAD,
COIMBATORE. ... RESPONDENT/APPELLANT

2 UMA MAHESHWARI, (DIED), ... 2nd RESPONDENT/1st RESPONDENT

VELMURUGAN (DIED),

3 R.KALAIVANI, ... 3rd RESPONDENT/3rd 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 amount of Rs.82,90,767,- with accrued interest which was deposited by the 1st respondent before the Motor Accident Claims Tribunal and Honourable Additional District Judge, Karur in MCOP.No.65 of 2019.



CMP(MD) No.16045 of 2024

Prayer in CMA(MD). 737/ 2023 :

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicle Act to set aside the judgment and decree passed by the Motor Accident Claims Tribunal cum Additional District Judge, Karur made in M.C.O.P.No.65/2019 dated 22-12-2022 and allow this appeal with costs

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 M/S.K.SUDALAIYANDI, Advocate for the petitioner and of Mr.R.RAJAMANI, Advocate on behalf of the 1st Respondents, the Court made the following order:-

Heard both sides.

2. This CMP has been filed for withdrawing a sum of Rs.82,90,767/- with accrued interest from the deposited amount.

3. The petitioner is the sister of the deceased. The learned counsel for the petitioner states that the parents were the original claimants and the petitioner is only in the capacity of legal heir. These aspects can be gone into in the main appeal. In the interest of justice, we permit the petitioner to withdraw a sum of Rs.15 Lakhs without security. This petition is allowed.

sd/-

16/12/2024

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/12/2024

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

PMU



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TO

THE ADDITIONAL DISTRICT JUDGE,
MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-15538[I] dated 17/12/2024)

ORDER
IN
CMP(MD) No.16045 of 2024
in
CMA(MD)No.737 of 2023
Date :16/12/2024

SS/GSV/SAR- /27/12/2024/ 3P/3C

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