



C.M.P.(MD)No.17352 of 2023

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

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

C.M.P.(MD)No.17352 of 2023

in

C.M.A.(MD)No.1111 of 2023

V.THANGARASU (DIED),

1 T.RAMESWARI,

2 MINOR.MONIKA

3 MINOR.MOHANPRASATH

(MINORS 2 AND 3 PETITIONERS ARE REP.BY
THEIR GUARDIAN MOTHER 1st PETITIONER
T.RAMESWARI W/o.LATE THANGARASU)

4 KALIYAMMAL

... PETITIONERS/RESPONDENTS 1 TO 4

Vs

1 THE UNITED INDIA INSURANCE COMPANY LIMITED,
TIRUPPUR,
REP BY THE MANAGER,
OFFICE AT NO.5, BIG BAZAR STREET,
DHARAPURAM,
TIRUPPUR DISTRICT.

... 1st RESPONDENT/ APPELLANT

2 A KRISHNASAMY

... 2nd RESPONDENT/5th RESPONDENT

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



C.M.P.(MD)No.17352 of 2023

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 Petitioners to Withdraw the deposited amount (sum of Rs.30,00,000/-) with the accrued interest to the credit of MCOP No.268 of 2019 on the file of the Motor Accident Claims Tribunal and Chief Judicial Magistrate, Karur pending disposal of CMA.(MD) No.1111 of 2023 and thus render justice.

Prayer in CMA(MD). 1111/ 2023 :

Civil Miscellaneous Appeal filed under section 173 of Motor Vehicles Act to set aside the order of the Tribunal of MACT cum Chief Judicial Magistrate , Karur made in MCOP.No.268 of 2019 dated 13.06.2022 and allow the appeal with costs and render justice.

ORDER : This 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.K.SURESHKUMAR, Advocate for the petitioners, the court made the following order:-

(*)This Civil Miscellaneous Petition is filed to permit the petitioners to withdraw the deposited amount (sum of Rs.30,00,000/-) with the accrued interest to the credit of MCOP.No.268 of 2019 on the file of the Motor Accident Claims Tribunal and Chief Judicial Magistrate, Karur, pending disposal of CMA(MD) No.1111 of 2023.

2.Satisfied with the reasons stated in the affidavit, this Court is allowing this petition. Through an interim order, this Court directed the Insurance Company to deposit Rs.30,00,000/-. The petitioners are seeking permission to withdraw the said deposited amount of Rs.30,00,000/-. The permission is granted. However, the same shall be apportioned among the claimants as stated in the Tribunal award.



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3.As far as the apportionment of the minors is concerned, the same shall be deposited in any nationalized bank. However, the 1st petitioner/ mother of the minors is permitted to withdraw the interest from the deposit of minors.

sd/-
12/01/2024

(*)FOR BEING MENTIONED AS PER
ORDER OF THIS HON'BLE COURT
DT.01/02/2024 IN CMP(MD).17352/2023.

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

TO BE SUBSTITUTED WITH THE ORDER DT.12/01/2024 IS ALREADY
DESPATCHED

THE CHIEF JUDICIAL MAGISTRATE,
MOTOR ACCIDENT CLAIMS TRIBUNAL,
KARUR.

+1 CC to M/s.K.SURESH KUMAR, Advocate (SR-750[I] dated 18/01/2024)

ORDER
IN
C.M.P.(MD)No.17352 of 2023
in
C.M.A.(MD)No.1111 of 2023
Date :12/01/2024

SA/JGB/SAR. /30.01.2024/3P/3C

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SA/JGB/SAR. /05.02.2024/3P/3C

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