



CMP(MD) No.4230 of 2024

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

Friday, the Twenty First day of March Two Thousand and Twenty Five

PRESENT

The HONOURABLE DR. JUSTICE G.JAYACHANDRAN
and
The HONOURABLE MS. JUSTICE R. POORNIMA

CMP(MD) No.4230 of 2024
in
CMA(MD) SR No.242 of 2022

1 R.REVATHI

2 MINOR.R.NAVANEETHAKRISHNAN
(THE 2ND PETITIONER MINOR IS REP. BY THE 1ST PETITIONER/MOTHER AND
NATURAL GUARDIAN)

3 A.SARASWATHI

4 ATHIMOOLAM (DIED)

5 UDHAYAMURTHI

6 RAMATHILAGAM

... PETITIONER(S)

Vs

1 THE MANAGER
IFFCO TOKYO GENERAL INSURANCE COMPANY LIMITED,
4TH FLOOR, ASRA BUILDINGS,NO.182, WATER
FILED ROAD,BANDARA WEST, MUMBAI - 400 050.

2 CHINNAMMAL
W/O.VALLINAYAGAM, NEW NO.39, COLLECTOR SIVAKUMAR ROAD,
COIMBATORE - 641 038, TAMILANDU.



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3 M/S.LARSEN AND TOUBRO LTD
E.C.C.CONSTRUCTION GROUP NO.19, KUMARA
KRUPA ROAD. BANGALORE - 1.

... RESPONDENT(S)

For Petitioners:

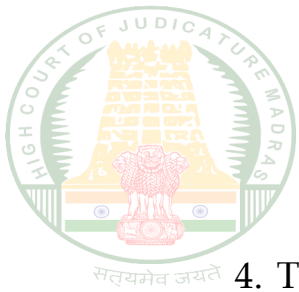
M/s.K.Sudlaiyandi, Advocate

ORDER

This petition is filed to permit the petitioner/claimant to withdraw the amount of Rs.32,41,890/-with accrued interest which was deposited by the 1st respondent before the Tribunal.

2. The Insurance company being aggrieved by the award passed by the Tribunal fixing liability on the Appellant/Insurance company has preferred this appeal stating that the self-accident committed by the employee of L & T. Therefore, in the absence of policy coverage only the owner of the vehicle i.e., L & T is liable to pay compensation.

3. It is contended by the Learned counsel appearing for the appellant that the trial Court contrary to the content of the First Information Report had held that the deceased Radhakrishnan was not the driver, but passenger in the car. Since there is a serious dispute in respect of liability and if the Insurance company succeeds in the appeal it will be the liability of M/s.Larsen & Toubro Limited, in whose name the vehicle stood.



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4. Therefore, the prayer in the petition to permit the claimant to withdraw 50% of the amount deposited cannot be entertained.

5. Accordingly, this Petition stands dismissed.

sd/-
21/03/2025

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/04/2025

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

KSA
TO

THE SUBORDINATE JUDGE, MOTOR ACCIDENT CLAIMS TRIBUNAL,
SRIVILLIPUTHUR.

ORDER
IN
CMP(MD) No.4230 of 2024
in
CMA(MD) SR No.242 of 2022
Date :21/03/2025

NBF/SAR/ (05/04/2025) 3P/2C

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