



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR JUSTICE N. SATHISH KUMAR

AND

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CMP No. 1845 of 2026

IN

CMA NO. 3328 OF 2025

1. S.Kousalya
W/o. Late Saravanan,
Res. at No.12/27, Bhuthar Street,
Kumarapalayam, Kumarapalayam
Taluk, Namakkal District.
2. Minor S. Priyadarshini
D/o. Late Saravanan,
Minor rep by her guardian, mother S. Kousalya,
Res. at No.12/27, Bhuthar Street,
Kumarapalayam,
Kumarapalayam Taluk,
Namakkal District.

..Appellant(s)

Vs

1. The Branch Manager
National Insurance Co. Ltd,
Policy issuing office at 74A,
Paramathy Road, Namakkal.
2. The Divisional Manager
National Insurance Co. Ltd,
Office at 1st Floor,
Selvanayagi Complex,
Opposite to Petrol Bunk,
Near Collector Office,
Perundurai Road, Erode -011.



3. Maheswari
W/o. Late Senthilkumar,
Res. at No.2/207, Malligapuram,
Cauvery Road, Pillikalpalayam,
Paramathi Velur Taluk,
Namakkal District.
4. Deepak
S/o. Late Senthilkumar,
Res. at No.2/207, Malligapuram,
Cauvery Road, Pillikalpalayam,
Paramathi Velur Taluk, Namakkal
District.
5. Raju
S/o. Varuthappa Naidu,
Res. at No.2/207, Malligapuram,
Cauvery Road, Pillikalpalayam,
Paramathi Velur Taluk, Namakkal
District.
6. Saraswathi
W/o. Raju,
Res. at No.2/207, Malligapuram, Cauvery Road,
Pillikalpalayam, Paramathi Velur Taluk,
Namakkal District.
7. Jyothi
W/o. Late Venkatesan,
Res. at D.No.5/53/30-4, Thendral
Street, 1st Street, Gandhi Nagar,
Kumarapalayam, Kumarapalayam
Taluk, Namakkal District.
8. United India Insurance Co. Ltd.,
Office at KMR Complex,
Mettur Main Road, Bhavani Town and Taluk,
Erode District.

..Respondent(s)



PRAYER : Petition filed under Section 151 of C.P.C., to permit the petitioners to withdraw the amount deposited to the credit of MCOP No.650 of 2018 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Erode as per the order passed by this Hon'ble Court in CMP No 27430 of 2025 in CMA No. 3328 of 2025 dated 11.11.2025.

For Appellant(s): Mr.R.Marudhachalamurthy

For Respondent(s): Mr.S.Arunkumar for R1 & R2

Order

(Order of the Court was made by N.Sathish Kumar J.)

This Petition has been filed seeking permission to withdraw the amount deposited to the credit of MCOP No.650 of 2018.

2. The Tribunal has passed an award for Rs.2,44,95,133/- along with interest at the rate of 7.5%. Challenging the method of quantification, the Insurance Company has filed the present Appeal.

3. When the Appeal is entertained by this Court, an order of interim stay was granted subject to the condition that the appellants shall deposit 75% of the award amount along with interest to the credit of MCOP No.650 of 2018. Pursuant to the said order, it appears that the amount has been deposited to the credit of MCOP No.650 of 2018.



4. Now, this Petition is taken out by the petitioners / respondents 1 and 2.

The first petitioner is the mother of the second petitioner. She sought permission to withdraw the amount lying not only for her share, but also the share of the minor, the second petitioner herein. The reason for withdrawal is to settle the liability of her husband. This Court is of the view that since the very challenge is made to the quantum and considering the nature of the award passed by the Tribunal and the nature of the income of the first petitioner, the first petitioner is permitted to withdraw 50% of the share as quantified by the Tribunal.

5. For this, the learned counsel for the respondents 1 and 2 has no objection.

6. As far as the minor share is concerned, we are not inclined to grant permission to withdraw any amount. The first petitioner is permitted to withdraw only 50% of her share on filing necessary application before the Trial Court. On such application being filed by the first petitioner, the Trial Court shall permit the first petitioner alone to withdraw 50% of her share and the remaining amount that belongs to the share of the minor, shall be deposited in any Nationalised Bank under interest bearing account.

7. Accordingly, this Civil Miscellaneous Petition is ordered.

(N.S.K.,J.) (R.S.V.,J.)
26-02-2026

gsk



To

1. The Branch Manager
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3. United India Insurance Co. Ltd.,
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CMP No. 1845 of 2



**N.SATHISH KUMAR J.
AND
R.SAKTHIVEL J.**

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