



CMP(MD) NO. 286



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10-03-2026

CORAM

WEB COPY

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

CMP(MD) No.2861 of 2026

in C.M.A(MD) No.208 of 2026

Saleem

Petitioner(s)

Vs

1.The Branch Manager,
The New India Assurance Co.Ltd.
Old No.147, New No.186
High Sports Building
Salai Street, Ramanathapuram.

2.The Divisional Manager
National Insurance company Limited
Post Box No.225
3, North Veli Street
2nd Floor, Madurai.

3.Shanmugaraj

Respondent(s)

For Petitioner(s):

M/s.Gopika.M

For Respondent(s):

Mr.G.Prabhu Rajadurai for R1

No appearance for R2

Prayer:

To permit the petitioner to withdraw 50 percent of award amount of Rs.10,93,245/- along with accrued interest deposited to the credit of MCOP.No.3 of 2020 on the file of the Motor Accident Claims Tribunal/ Chief Judicial Magistrate, Ramanathapuram, Ramanathapuram District.



ORDER

(Order of the Court was made by the Hon'ble N.Anand Venkatesh .



This Civil Miscellaneous Petition has been filed by the claimant seeking withdrawal of 50% of the award amount of Rs.10,93,245/-, along with accrued interest, deposited to the credit of MCOP No.3 of 2020 on the file of the Motor Accident Claims Tribunal/Chief Judicial Magistrate, Ramanathapuram, Ramanathapuram District.

2. We have heard the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent.

3. There is no appearance on behalf of the second respondent.

4. The learned counsel for the first respondent/Insurance Company submitted that the Insurance Company has questioned the award on the ground of negligence as well as quantum. He further submitted that the claimant was also a tortfeasor and therefore, the auto had hit against the lorry since the auto was driven in a rash and negligent manner. Hence, the FIR as well as the final report was filed against the petitioner / claimant.

5. In our considered view, the issue regarding contributory negligence on the part of the claimant can be gone into at the time of final hearing. For the present, we are inclined to permit the petitioner to withdraw 50% of the award amount along with accrued interest.

6. Accordingly, this Civil Miscellaneous Petition is allowed as prayed for. No costs.

(N.ANAND VENKATESH J.) (P.DHANABAL J.)

10-03-2026

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