



WEB COPY



CMP(MD) No.4132 of 2026
in CMA(MD) No.170 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09-04-2026

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

C.M.P(MD) No.4132 of 2026
in C.M.A(MD)No.170 of 2022

Asaithambi

: Petitioner

Vs

1.National Insurance Company Ltd,
through its Divisional Manager,
No.127, Aruvi Block, 1st Floor,
St.Paul Complex, Bharathiar Salai,
Tiruchirappalli – 620 001.

2.Mohamed Ismar

: Respondents

Civil Miscellaneous Petition filed under Section 151 of C.P.C., seeking orders to permit the petitioner to withdraw the 50 % of the deposited award amount along with proportionate accrued interest and costs, in M.C.O.P.No.1180 of 2014 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tiruchirappalli.

For Petitioners : Mr.N.Sudhagar Nagaraj,

For Respondents : Mr.A.S.mathiyalagan, for R1.

: No Appearance, for R2.

ORDER

This Civil Miscellaneous Petition has been filed seeking orders to permit the petitioner to withdraw the 50% of the deposited award amount along with proportionate accrued interest and costs, in M.C.O.P.No.1180 of 2014 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tiruchirappalli.



CMP(MD) No.4132 of 2022
in CMA(MD) No.170 of 2022

2. It is seen from the records that this Court while granting interim stay, directed the first respondent/appellant to deposit 50% of the award amount to the credit of M.C.O.P.No.1180 of 2014 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tiruchirappalli and in pursuance of the same, the first respondent/appellant deposited the amount. Now the claimant has filed the above application seeking permission to withdraw the amount.

3. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the first respondent and also perused the materials available on records.

4.The learned counsel for the first respondent would submit that even according to the petitioner, the Tribunal has fixed the contributory negligence at 80% on the part of the first respondent/appellant and 20% on the part of the petitioner/claimant.

5.Considering the facts and circumstances of the case and also the reasons assigned, this Court is inclined to grant permission. Accordingly, this petition is ordered and the petitioner is permitted to withdraw 50% of the amount deposited by the first respondent (i.e., 25% of the entire amount) to the credit of M.C.O.P.No.1180 of 2014 on the file of the Motor Accident Claims Tribunal/Special Sub Court, Tiruchirappalli, on filing necessary application before the Tribunal.

09-04-2026

das
To

Motor Accident Claims Tribunal/Special Sub Court,
Tiruchirappalli.