



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

Wednesday, the Twenty Third day of November Two Thousand and
Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CMP(MD) No.10758 of 2022

IN

CMA(MD) No.1063 of 2022

WEB COPY

THE CLAIMS MANAGER,
RELIANCE GENERAL INSURANCE COMPANY LIMITED,
PLA. KANAGU TOWERS, 2ND FLOOR,
THILLAI NAGAR 2ND LANE,
TRICHY - 620 018.

... PETITIONER/APPELLANT

Vs

1 S.PRABHAKARAN (DIED)

2 R. RAJESWARI

... RESPONDENTS/RESPONDENTS

3 MANICKA SELVI

4 LUNA JEBASHRI

5 CHRISTOPHER RAJAN

...RESPONDENTS 3 TO 5

(RESPONDENTS 3 TO 5 ARE BROUGHT ON RECORD
AS LRS OF DIED R1, VIDE COURT ORDER DATED
24.06.2019 MADE IN CMP(MD)NO. 2710 &
2711/2018 IN CMP(MD)NO. 855/2018 IN CMA.
SR.52586/2018 BY JNBJ.)

Petition filed praying that in the circumstances stated
therein and in the affidavit filed therewith the High Court may be
pleased to stay the operation of the fair and decreetal order dated
23.06.2017 made in MCOP. No. 159 of 2014 on the file of Motor
Accident Claims Tribunal, (Chief Judicial Magistrate), Virudhunagar
District at Srivilliputhur, pending disposal of the above Civil
Miscellaneous Appeal.

Prayer in CMA(MD). 1063/ 2022 :

Civil Miscellaneous Appeal filed under section 173 of
Motor Vehicles Act to set aside the fair and decreetal order dated
23.06.2017 made in MCOP. No. 159 of 2014 on the file of Motor
Accident Claims Tribunal, (Chief Judicial Magistrate), Virudhunagar
District at Srivilliputhur and allow this Civil Miscellaneous Appeal
and thus 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 M/S.S.SRINIVASA RAGHAVAN, Adv. for the petitioner, while admitting the CMA., the court made the following order:-

The learned counsel appearing for the appellant would submit that they are disputing the liability as well as the quantum of award fixed by the Tribunal.

2. Heard the learned counsel for the petitioner and also perused the records.

3. Considering the facts and circumstances of the case, there shall be an order of interim stay on condition that petitioner/appellant shall deposit the entire award amount together with interest and costs to the credit of M.C.O.P.No.159 of 2014 on the file of the Motor Accidents Claims Tribunal/Chief Judicial Magistrate, Virudhunagar District at Srivillipthur, within a period of four weeks from the date of receipt of a copy of this order, and on such deposit, since the only claimant had died subsequent to the award, the newly added respondents 3 to 5 are permitted to withdraw the 50 % of the deposited amount equally along with accrued interest and costs, on filing necessary application before the Tribunal. Notice.

sd/-

23/11/2022

/ TRUE COPY /

/11/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DAS

TO

THE MOTOR ACCIDENTS CLAIMS TRIBUNAL/
CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPTHUR.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-13642[I] dated 24/11/2022)

ORDER

IN

CMP(MD) No.10758 of 2022

IN

CMA(MD) No.1063 of 2022

Date :23/11/2022

RK/VR/SAR-3 (28/11/2022) 2P/3C