

**THE HON'BLE SRI JUSTICE P.NAVEEN RAO**

**CIVIL REVISION PETITION No.1082 OF 2010**

**DATED : 27.09.2016**

Between :

Nagineni Venkateswarlu S/o.Venkaiah,  
Hindu, Aged about 47 yrs,  
Occu : Clerk in Veeraswamy's Lorry Broker Office,  
Near R.T.C., Bus Stand, Ongole.

.. Petitioner

And

Mekala Savitri W/o.Late Mekala Venkateswarlu,  
Aged 27 yrs, R/o.Narasimhapuram,  
Chakalakonda Post, Vinjamur Mandal,  
Nellore District & 4 others.

.. Respondents



This court made the following :

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**ORDER :**

The motor vehicle belonging to the petitioner met with an accident resulted in death of one Late Mekala Venkateswarlu. The legal heirs of late Mekala Venkateswarlu filed M.V.O.P.No.336 of 2001 on the file of Motor Vehicle Accident Claims Tribunal-cum-I Additional District Court, Nellore (for short 'the Tribunal'). Petitioner herein and Oriental Insurance Company, Nellore, were arrayed as respondents. Claim of the petitioners in M.V.O.P., was accepted in part and petitioner herein was directed to pay compensation of Rs.1,01,400/- with interest at 7.5% p.a., from the date of petition i.e., 31.3.2001 till realization with proportionate costs of Rs.650/-. The claim against the insurance company was dismissed. This order in MVOP has become final.

2. Alleging non-compliance of the directions issued, petitioners in MVOP instituted E.P.No.34 of 2009 on the file of Principal District Judge, Ongole. By order dated 22.02.2010, E.P. was allowed and warrant of arrest was issued against the petitioner herein. Challenging the same, this revision is filed.

3. At the stage of admission, this Court granted stay of the order passed in E.P.34 of 2009 subject to petitioner depositing an amount of Rs.25,000/- to the credit of E.P.No.34 of 2009.

4. It is represented by learned counsel for the petitioner that the said amount is deposited. The only plea raised by the

petitioner is that he does not have the means to pay the decretal amount and that the vehicle was not belonging to him, as he sold the vehicle much prior to the accident and therefore, he cannot be held responsible. He also submits that he is working as an employee in a Lorry Broker Office, on a monthly salary of Rs.1000/-.

5. This plea was raised before the Tribunal and the Tribunal found that petitioner owns the vehicle and was earning not less than Rs.6000/- as net income from the said vehicle, and that he also owned two storied building. Therefore the Tribunal has come to the conclusion that the petitioner has sufficient means to pay the decretal amount.

6. No material is placed before this Court to dislodge the said fact arrived at by the Tribunal. Hence, I see no error in the decision arrived at by the Tribunal warranting interference by this Court.

7. It is also appropriate to notice that on payment of paltry amount of Rs.25,000/- petitioner avoided to pay the balance amount for the last more than seven years due to pendency of this revision.

8. It is appropriate to note the fact that the claimants have lost the bread winner and even though, a nominal amount of compensation was awarded, as early as in the year 2006, for more than ten years they could not realize the compensation except Rs.25,000/-.

9. At this stage learned counsel for the petitioner requests six months time to pay the entire amount due.

10. Having regard to the fact that the compensation was granted in the year 2006 and for more than ten years the amount could not be realized, the prayer of granting six months time is not accepted.

11. In the facts of this case, this Court is of the opinion that petitioner be granted three months time to clear the entire amount due and payable as ordered by the Tribunal in M.V.O.P.No.336 of 2001. Petitioner shall pay the due amount in three equitable instalments spread over in three months. Each instalment shall be paid at an interval of one month. The first instalment shall be paid on or before 31.10.2016, 2<sup>nd</sup> instalment on or before 30.11.2016 and the final instalment shall be paid on or before 31.12.2016. As and when the amount is deposited, it is open for the petitioners in E.P.No.34 of 2009 to withdraw the said amounts. If the petitioner fails to comply the above direction within the time schedule fixed above, the order in E.P., revives and it is open for the Tribunal to proceed against the petitioner.

12. With the above directions, the Civil Revision Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this revision shall stand closed.

27<sup>th</sup> September, 2016  
Rds

**P.NAVEEN RAO,J**