IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(NPD).No.1463 of 2014

M.Jayakumar .. Petitioner

Vs.

1.Devaraj

2.National Insurance Company Ltd.,
Perundurai Road
Erode District. .. Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 14.03.2012 in I.A.No.155 of 2012 in M.C.O.P.No.142 of 2003 on the file of the Sub-Court, Attur.

For Petitioner : Mr.G.Muthukumar
For Respondents : No appearance

O R D E R

Civil Revision Petition is filed against the fair and decreetal order dated 14.03.2012 in I.A.No.155 of 2012 in M.C.O.P.No.142 of 2003 on the file of the Sub-Court, Attur.

2.The petitioner as a claimant has filed M.C.O.P.No.142 of 2003 and the Tribunal has awarded a sum of Rs.1,70,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. Aggrieved over the same, the Insurance Company/second respondent herein has preferred C.M.A.No.58 of 2008. When the appeal came up before the Lok Adalat, after arriving at settlement, the amount was reduced from Rs.1,70,000/- to Rs.1,15,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. At the time of filing C.M.A., the Insurance Company has deposited a sum of Rs.1,50,000/- on 09.11.2008. The petitioner/claimant has filed I.A.No.155 of 2012 for payment out petition and he has also given a calculation memo. In the calculation memo, it is stated that the petitioner is entitled to Rs.1,15,000/- with interest from 09.11.2008 till filing application for payment out, which comes to Rs.1,98,290/-. But the Tribunal has ordered issuance of cheque only for Rs.1,51,056/- and also Rs.46,002.50 for the Insurance Company, against which, the present revision is preferred by the petitioner/claimant.

3.Learned counsel for the petitioner would submit that the petitioner is entitled to interest from the date of deposit till filing of application for withdrawing the amount. Hence, he prays for issuance of cheque for Rs.1,98,290/- and for allowing the revision.

4.Even though the respondents were served, no one represented on behalf of them.

5.I have heard the submissions made by the learned counsel for the petitioner and perused the typed set of papers.

6.The petitioner has filed M.C.O.P.No.142 of 2003, wherein the Tribunal has awarded a sum of Rs.1,70,000/-, against which, the second respondent/Insurance Company has preferred C.M.A.No.58 of 2008. At the time of filing C.M.A., the Insurance Company has deposited Rs.1,50,000/- on 09.11.2008. On 21.06.2011, settlement was arrived before the Lok Adalat and that the compensation is reduced from Rs.1,70,000/- to Rs.1,15,000/- with interest at 7.5% per annum from the date of petition till the date of deposit. So the petitioner is entitled to interest for the amount of Rs.1,15,000/- up to 09.11.2008. The Motor Accidents Claims Tribunal after calculating the compensation, has rightly ordered for issuance of cheque for Rs.1,51,056/-. Therefore, the petitioner is not entitled to interest from the date of deposit i.e. on 09.11.2008 till filing of the payment out petition. The civil revision deserves to be dismissed and it is hereby dismissed.

7.In the result, the Civil Revision Petition stands dismissed. No costs.

22.02.2017

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Index:Yes/No

To

The Sub-Court, Attur.

R.MALA,J.

Kj

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