

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.4000 of 2008
& M.P.No.1 of 2008

M/s.Bajaj Allianz General Insurance Co. Ltd.,
G.E. Plaza, Airport Road,
Yerwada, Pune 411 006.

Petitioner

Vs.

1.P.Gowrisankar
2.P.Arokia Irudayaraj
3.M/s.Bajaj Auto Finance Ltd.,
Dr.Nanjappa Road,
Coimbatore
4.The Manager
HDFC Bank, Pune

Respondents

[2nd respondent exparte before lower court. Hence notice may be dispensed with]

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree dated 30.10.2008 made in EP No.141 of 2007 in MCOP No.106 of 2006 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankari.

For Petitioner : Mr.M.B.Raghavan
For Respondents : Mr.S.Vijayakumar
for R1
R2 set exparte
R3 – No appearance

R4 – Not ready in notice

ORDER

This Civil Revision Petition has been filed against the judgment and decree dated 30.10.2008 made in REP No.141 of 2007 in MCOP No.106 of 2006 on the file of the Motor Accidents Claims Tribunal, Sub Court, Sankari.

2. The petitioner is the 2nd respondent, 1st respondent herein is the petitioner and the respondents 2 & 3 herein are the respondents 1 & 3 in MCOP No.106 of 2006. The first respondent filed MCOP No.106 of 2006 before the Sub Court, Sankari claiming a sum of Rs.40,00,000/- as compensation for the injuries sustained by him. The Tribunal awarded a sum of Rs.15,19,260/- as compensation payable to the first respondent/claimant. The petitioner did not pay the compensation amount to the first respondent and hence he filed REP No.141 of 2007 to execute the award or order attachment under Order 46 and 136 of CPC. In the REP, attachment was ordered.

2. Against the order of attachment dated 30.10.2008 made in EP No.141 of 2007 in MCOP No.106 of 2006, the present Civil Revision Petition has been filed.

3. It is represented by the learned counsel for the petitioner that pending CRP, the petitioner has deposited the entire award amount payable to the first respondent and the first respondent has also withdrawn the same and the EP has been closed.

4. In view of the above said circumstances, nothing survives in this Civil Revision Petition and hence the same is dismissed as infructuous. No costs. Consequently, connected Miscellaneous Petition is closed.

26.07.2017

Index : Yes/No
rgr

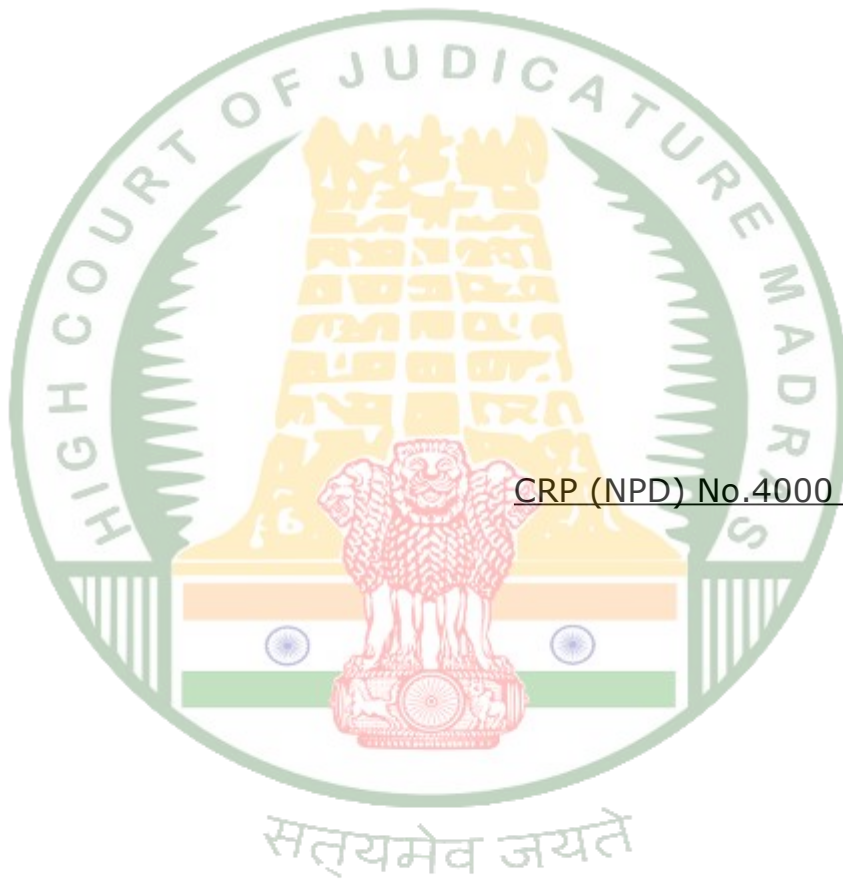
To

The Subordinate Judge,
Motor Accidents Claims Tribunal,
Sankari.

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V.M.VELUMANI, J.

rgr



CRP (NPD) No.4000 of 2008

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