

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.4875 of 2012
and M.P.No.1 of 2012

The Managing Director
Tamil Nadu State Transport Corporation
Villupuram (Division) Ltd.
Vellore Region.

.. Petitioner

Vs.

1.Bhuvaneswari
2.Minor Kirthika Ponnazhagi
3.Minor Alagappan

(minors 2 and 3 are represented by
their mother first petitioner)

4.N.Arumugham

5.Oriental Insurance Co. Ltd.,
Katpadi road, Vellore.

.. Respondents

Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 24.11.2011 made in E.P.No.8 of 2010 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Ranipet.

For Petitioner : Mr.G.Palani

For R2 and R3 : Minors represented by R1
For R1,R3 to R5 : Not ready in notice

ORDER

The Civil Revision Petition is filed against the order dated 24.11.2011 made in E.P.No.8 of 2010 in M.C.O.P.No.112 of 2003 on the file of the Motor Accident Claims Tribunal, Subordinate Court, Ranipet, directing the petitioner to deposit a sum of Rs.2,12,207/- being interest of the compensation awarded.

2. Heard the learned counsel for the petitioner.

3. From the records, it is seen that the Tribunal awarded a sum of Rs.6,25,000/- as compensation to the respondents 1 to 3 together with interest at 7.5% per annum. The Tribunal directed the first respondent to pay the Court fee within 15 days from the date of award. The first respondent paid the Court fee with the delay of 17 days. In the execution petition filed by the first respondent, the petitioner deposited a sum of Rs.4,10,113/-. The Executing Court considering the award and interest granted by the Tribunal and the delay of 17 days in paying the Court fee, held that the respondents 1 to 3 are not entitled to interest for 17 days, as they paid Court fee

beyond the time limit granted by the Tribunal and directed the petitioner to deposit a sum of Rs.2,12,207/- as further interest.

4. In the Civil Revision Petition, the learned counsel for the petitioner contended that in view of the delay of 17 days in paying Court fee, the respondents 1 to 3 are not entitled to interest for the earlier period. The said contention is untenable. The Tribunal granted time to the first respondent to deposit the Court fee within 15 days. The delay of 17 days in paying Court fee will not disentitled the respondents 1 to 3 from claiming interest for the earlier period. The Executing Court has not committed any error in holding that the respondents 1 to 3 are not entitled to interest only for 17 days and directing the petitioner to deposit the interest. The order of the Executing Court dated 24.11.2011 made in E.P.No.8 of 2010 does not warrant any interference and it is hereby confirmed.

5. In the result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

22.09.2017

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V.M.VELUMANI,J.

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