



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2018

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (PD) (MD) No.445 of 2018

L.B.Catherin Christobel

... Petitioner / Petitioner
/ 1st Petitioner

vs.

The New India Assurance Company Ltd.,
Rep. by its Divisional Manager,
1st Floor, Pillars Gate,
Opp. To Anna Stadium,
Balamore Road,
Nagercoil - 629 001.

... Respondent / Respondent /
4th Respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, to direct the learned Motor Accident Claims Tribunal / I Additional Subordinate Judge, Kanyakumari at Nagercoil to dispose of E.P.No.14 of 2017 on the file of the I Additional Subordinate Judge, Kanyakumari at Nagercoil in M.C.O.P.No.69 of 2015 on the file of the Motor Accident Claims Tribunal / Special Court for Forest Offence Cases, Kanyakumari at Nagercoil within a stipulated time frame.

For Petitioner : Mr.N.Sudhagar Nagaraj

ORDER

This Civil Revision Petition has been filed seeking a direction to the learned I Additional Subordinate Judge (Motor Accident Claims Tribunal), Kanyakumari at Nagercoil, to dispose of the petition in E.P.No.14 of 2017 in M.C.O.P.No.69 of 2015, within a stipulated time as may be fixed by this Court.

2. The facts of the case are that the petitioner herein, along with her minor children, have filed M.C.O.P.No.69 of 2015 seeking compensation for the death of her husband. The said M.C.O.P., was ordered and compensation was awarded to the petitioner herein as well as other legal heirs. As the respondent/Insurance Company did not remit the compensation, Execution Petition in E.P.No.14 of



2017 came to be filed. In addition to the same, the petitioner herein, being not satisfied with the award amount, has filed C.M.A.(MD)No.148 of 2017, seeking enhancement of compensation and the said C.M.A., is still pending. It is the grievance of the petitioner that citing the pendency of the C.M.A., proceedings, the Execution Petition is kept pending and hence, she is before this Court seeking early disposal of the execution proceedings.

3. The learned Counsel for the petitioner, narrating the events that took place, would submit that the petitioner, who is a widow, finds it difficult to feed her children and to educate them and prays before this Court for a direction to the Tribunal, to dispose of the execution proceedings, without prejudice to the pending C.M.A., proceedings.

4. Heard the learned Counsel for the petitioner and perused the materials available on record. Notice to the respondent is dispensed with, since the prayer itself is for a limited scope seeking early disposal of the execution proceedings.

5. Perusal of records would show that the petitioner herein has filed C.M.A., seeking enhancement of compensation and admittedly, the respondent/Insurance Company has not filed any appeal. As it is very hard for the petitioner to meet the day to day needs, she is before this Court.

6. No doubt, the said C.M.A., was filed before this Court for enhancing the compensation. The compensation awarded will be increased, if the Court finds that the petitioner is entitled for enhancement. Admittedly, against the compensation awarded there is no appeal filed by the Insurance Company and therefore, there cannot be any impediment for the Court to dispose of the appeal.

7. Considering the facts and circumstances of the case, without adverting into the merits of the case, the learned I Additional Subordinate Judge (Motor Accident Claims Tribunal), Kanyakumari at Nagercoil, is directed to dispose of the execution petition in E.P.No.14 of 2017 in M.C.O.P.No.69 of 2015 within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-III)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar



To

The I Additional Subordinate Judge
(Motor Accident Claims Tribunal),
Kanyakumari at Nagercoil.

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+ 1 cc TO Mr.N.Sudhagar Nagaraj , Advocate in SR No. 52751

gk

AE/JC/SAR2/23.03.2018/3P/3C

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