



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (MD) .No.1290 of 2018

and

C.M.P. (MD) Nos.5445 & 5446 of 2018

WEB COPY

The Tamil Nadu State
Transport Corporation,
Dindigul,
Through its
The Managing Director.

... Petitioner/Petitioner/
Respondent/Respondent

Vs.

1. Mangaiyar Thilagam
2. Uthamaseelan
3. Santhaseelan
4. Minor.Vasanthaseelan

*(4th Respondent minor is represented through
the natural guardian and mother,
namely, the first respondent)*

... Respondents/Respondents/
Petitioners/Claimants

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and set aside the decretal and fair order dated 01.09.2017 passed in E.A.No.96 of 2016 in E.P.No.58 of 2013 in M.C.O.P.No.161 of 2001 on the file of the Additional District and Sessions Court, Theni at Periyakulam in respect of the calculation memo alone.

For Petitioner	: Mr.K.Sudalaiyandi
For R-1	: No such address
For R-2 & R-3	: Not known
For R-4	: Minor is represented by R-1.

O R D E R

The Tamil Nadu State Transport Corporation is the Revision petitioner before this Court. The Revision petitioner Corporation suffered an award in M.C.O.P.No.161 of 2001 on the file of the learned Additional District and Sessions Judge, Theni at Periyakulam.

2. The claimants put the award into execution by filing E.P.No.58 of 2013. In the said execution proceedings, a calculation memo was filed. The Court below has found that the calculation memo is not correct and directed the Revision petitioner to deposit a further sum of Rs.4,17, 545/-.



3. This Court is of the view that the order passed by the Court below is correct. Therefore, the order impugned does not call for any interference. But then, the learned counsel for the Revision petitioner submitted that the Tribunal had awarded 9% as interest and that the Courts now-a-days awarding interest at the rate of 7.5% p.a. But then, this issue will have to be decided only by the Appellate Court and not by this Court. Therefore, the Execution Court is directed to keep the proceedings in abeyance for a period of two months from the date of receipt of a copy of this order. In the meanwhile, it is for the Revision petitioner to work out remedies in the manner known to law.

4. With these directions, the Civil Revision petition stands dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Cs-III)

/True Copy/

Sub Assistant Registrar(Cs-I)

To

1. The Additional District and Sessions Judge,
Theni at Periyakulam.
2. The Record Keeper, V.R.Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.K.Sudalaiyandi, Advocate Sr.No.79565

PMU

VB/SKN/SAR1/17.09.2018/2P/5C

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