



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2017

CORAM :

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Rev.Application.No.131 of 2014
in
C.R.P.No.1688 of 2003

1.Pappu
2.T.Sivakumar
3.T.Senthil

... Petitioners/Petitioners

Vs.

1.A.Thirunavukkarasu
2.United India Insurance Company Ltd.,
Karaikudi
3.Rajendran

... Respondents/Respondents

Prayer: Petition filed under Order 47 Rule 1 & 2 r/w section 114 of the Civil Procedure Code against the order, dated 20.06.2014 passed in C.R.P.No.1688 of 2003 on the file of this Hon'ble High Court.

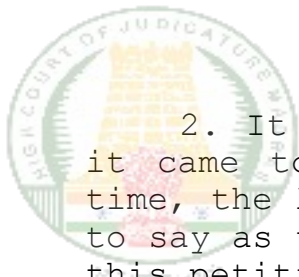
Prayer in C.R.P.No.1688 of 2003:

Petition filed under Section 115 of Civil Procedure Code, preferred against the fair and decreetal order passed by the III Additional Subordinate Judge, Motor Accidents Claims Tribunal, Trichy, dated 28.02.2003 made in E.P.No.18/2001 in M.C.O.P.No.18/1992.

For Petitioners : Mr.R.Subramanian
For R2 : Mr.M.Veda Singh
For R1 and R3 : No appearance

JUDGMENT

The petitioners are the claimants in M.C.O.P.No.18 of 1992 on the file of the III Additional Sub Court (Motor Accidents Claims Tribunal), Truchirappalli. The Civil Revision Petition (MD).No.1688 of 2003 was filed against the order of attachment of property of the second respondent in execution of the award passed in the M.C.O.P. While passing the order in C.R.P.(MD)No.1688 of 2003, the learned counsel for the Insurance Company, on instructions, had mentioned that the entire amount with interest had already been deposited on 18.07.1994.



2. It is stated by the review petitioner that on verification, it came to light that no such amount was deposited. At the same time, the learned counsel for the Insurance Company is also not able to say as to when the amount was deposited. The claimants have filed this petition to review the order as no amount has been deposited.

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3. The review application itself is not maintainable under order 47 Rule 1 of C.P.C. as there is no error apparent on the face of the record and this Court has only recorded what has been stated by the learned counsel for the Insurance Company. If the Insurance Company had falsely represented before this Court, it is open to the claimants to take appropriate proceedings against him. In the absence of any amount being deposited, it is also open to the claimants to attach the property of the second respondent / Insurance Company, sell the same and realize the claim amount. As there is no error apparent on the face of the record, this review petition is liable to be dismissed.

4. This Review Application is, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

The III Additional Subordinate Judge,
(Motor Accidents Claims Tribunal),
Truchirappalli.

+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 76752
+ 1 CC TO Mr.M.VEDASINGH, ADVOCATE IN SR No. 76743

MSA

TE/KK/SAR-I : 22/09/2017 : 2P/4C

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C.R.P. (PD).No.1688 of 2003
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