



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

WEB COPY

CRP (MD)No.1761 of 2019

J.R.Gopinath

... Revision Petitioner

versus

1. S.Kandasamy
2. K.Chandrabalan
3. A.Ramani
4. K.Vani
5. The Oriental Insurance Co. Ltd.,
By its Branch Manager,
City Branch Office,
Sarada Shopping Complex,
Workshop Road,
Madurai - 625 001

... Respondents

(Respondents 1 to 4 remained
ex parte before the Tribunal)

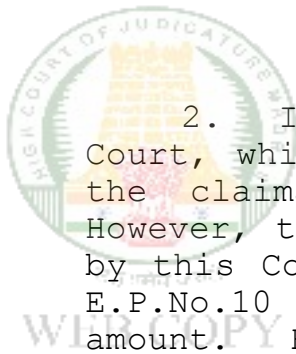
Revision Petition filed under Article 227 of Constitution of India, seeking a direction to the learned IV Additional Sub Judge, Madurai to dispose of E.P.No.10 of 2019 in M.C.O.P.No.913 of 1999, expeditiously.

For Revision Petitioner

: Mr.T.R.Subramanian

ORDER

The revision petitioner is the claimant in M.C.O.P.No.913 of 1999. He filed a claim petition in M.C.O.P.No.913 of 1999 before the learned IV Additional Sub Judge, Madurai, seeking compensation of Rs.40,00,000/- in respect of injuries sustained in the accident that had occurred on 02.06.1998. The Tribunal, after considering oral and documentary evidence, by order dated 24.06.1999, awarded a sum of Rs.27,00,000/-, which is payable by the Insurance Company along with interest at the rate of 9% p.a. from the date of petition till the date of realization. Challenging the said award, the Insurance Company filed an appeal in CMA(MD) No.2217 of 2004 before this Court, while the claimant/revision petitioner filed cross objection in Cross Objection (MD)No.53 of 2007. This Court, by Judgment and Decree dated 06.11.2017, reduced the compensation from Rs.27,00,000/- to Rs.25,80,000/- along with interest at the rate of 9% p.a. from the date of petition till the date of deposit.



2. It is the grievance of the revision petitioner that this Court, while modifying the award amount, has granted permission to the claimant/revision petitioner to withdraw the said amount. However, the Insurance Company has not deposited the amount awarded by this Court till date. Therefore, the revision petitioner filed E.P.No.10 of 2019 before the Tribunal to realize the compensation amount. However, the said execution petition is pending for the past six months. Hence, the revision petitioner is before this Court.

3. The learned counsel appearing for the revision petitioner submitted that though the award was passed in the year 1999, the revision petitioner could not enjoy the fruits of the decree. Furthermore, the execution petition filed before the Tribunal is also pending for the past six months and hence, he seeks direction for early disposal of E.P.No.10 of 2019.

4. Considering the facts and circumstances of the case and also considering the limited prayer sought for in this petition, this Court directs the learned IV Additional Sub Judge, Madurai to dispose of E.P.No.10 of 2019 in M.C.O.P.No.913 of 1999, within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, the present Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The learned IV Additional Sub Judge,
Madurai.

+1 CC to M/s.T.R. SUBRAMANIAN, Advocate SR-90933.

CRP(MD)No.1761 of 2019
03.10.2019

CS(01.11.2019) 2P 3C