

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P(NPD)No. 1632 of 2018

and

C.M.P.No. 8803 of 2018

R.V.V.Soundirarajan

...Petitioner

Vs.

Manager,
Third Party Claims Department,
Oriental Insurance Company,
Chennai – 108.

...Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 28.02.2018 in E.P.No. 7 of 2017 in MCOP No. 358 of 2005 passed by the learned Principal Sub-Ordinate Judge, Virudhachalam.

For Petitioner : Mr.T.Sundaravadanam

For Respondent : Mr.M.Krishnamoorthy

ORDER

This revision has been filed against the order of the Executing Court directing the petitioner to pay a sum of Rs.2,74,628/- being the excess

amount paid pursuant to the award in MCOP.NO. 358 of 2005 passed based on a settlement arrived at a Lok Adalat.

2. The Insurance Company levied execution seeking repayment of the said sum of Rs.2,74,628/- along with interest. The Executing Court by the order impugned in this revision held that the Insurance Company is not entitled to interest and allowed the execution petition only for an amount of Rs.2,74,628/- namely, the difference. Aggrieved by the rejection of his request for payment in installments, the petitioner has come up on revision.

3. The Insurance Company has not challenged the order of the Executing Court rejecting interest. Therefore, the order of the Executing Court in respect of the rejection of the claim for interest has become final. By an order dated 24.08.2020, I had granted eight weeks time to the petitioner to pay the said sum of Rs.2,74,628/-. Today, Mr.T.Sundaravadanam, learned counsel for the petitioner would report that the entire amount has been paid. Mr.M.Krishnamoorthy, learned counsel for the Insurance Company is unable to affirm or deny the statement of the learned counsel for the petitioner.

4. Accepting the statement of the learned counsel for the petitioner, this civil revision petition is disposed of recording the satisfaction of the decree and the execution petition is terminated. It will be open to the Insurance Company to seek reopening, if it is found that the payments have not been made as claimed by the learned counsel for the petitioner. Consequently, connected miscellaneous petition is closed. No costs.

03.12.2020

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Internet:Yes

Index:No

Speaking

To:

The Principal Sub-Ordinate Judge,
Virudhachalam.

R.SUBRAMANIAN, J.

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