



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P(PD)(MD)No.1105 of 2015

and

M.P.(MD)No.2 of 2015

Tamil Nadu State Transport Corporation,
Division I,
Rep. by its Managing Director,
Kumbakonam. : Petitioner/Appellant

.. Vs ..

1.R.Selvi
2.Minor R.Satheesh Kumar
3.Minor R.Divya
4.Ethirajulu : Respondents/Respondents

(Respondents 2 and 3 are represented through the first respondent Guardian)

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records relates to the Lok Adalat award passed by the High Court Legal Services Committee in L.A.C.No.813 of 2011 in C.M.A.(MD)No.20 of 2006 in M.C.O.P.No.128 of 2001, dated 22.07.2011 and set aside the same insofar as the entitlement of the respondents herein to get the interest on the award till 08.06.2004.

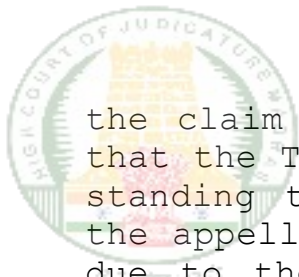
For Petitioner : Mr.D.Sivaraman
For Respondents 1 to 3 : Mr.B.Anandan
Respondent 4 - Dismissed vide order dated 14.12.2017

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ORDER

This Civil Revision Petition is directed against the award of the Lok Adalat case in L.A.C.No.813 of 2011 which was taken up on file based on the reference in C.M.A.(MD)No.20 of 2006.

2.C.M.A.(MD)No.20 of 2006 was directed against the award of the Motor Accident Claims Tribunal-cum-Chief Judicial Magistrate, Thanjavur at Kumbakonam in M.C.O.P.No.128 of 2001. The learned Counsel appearing for the petitioner submitted that the Lok Adalat has failed to note the important admission of the respondents in



the claim petition in M.C.O.P.No.128 of 2001. It is to be seen that the Tribunal has categorically stated that the balance amount standing to the credit of the proceedings should be refunded to the appellant transport corporation after settlement of the amount due to the respondents. Having regard to the admission and the position that the Lok Adalat has not undertaken any adjudicatory process, the Tribunal ought not to have passed an order regarding payment of interest. The learned Counsel appearing for the petitioner also produced before this Court a judgment of the Hon'ble Supreme Court reported in **2008-2-L.W. 321 (State of Punjab and another v. Jalour Singh and others)**. The judgment of the Hon'ble Supreme Court also indicates that this Court has got power under Article 226 or 227 of the Constitution of India to challenge the award of the Lok Adalat.

3.Considering the legal submissions made on either side, this Court is of the view that this Civil Revision Petition is maintainable as against the award of Motor Accident Claims Tribunal in M.C.O.P.No.128 of 2001. Accordingly, the order made in L.A.C.No.813 of 2011 is set aside insofar as the entitlement of respondents herein to get the interest on the award till 08.06.2004. This Civil Revision Petition is allowed to that extent. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The Secretary, High Court Legal Services Committee,
Madurai Bench of Madras High Court,
Madurai.

2. The Chief Judicial Magistrate,
Thanjavur @ Kumbakonam.

3. The Section Officer,V.R.Section,
Madurai Bench of Madras High Court, Madurai.(2 copies)

C.R.P(PD)(MD)No.1105 of 2015

21.07.2020

MA(CO)

TR(08.09.2020) 2P 5C