

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.02.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P. (NPD) No.362 of 2021

1.Nagajothi

2.Umamaheswari

3.Usha Devi

4.Nisha

5.Nishanthini

...Petitioners

Vs

1.Shankar

2.Krishnakumar

3.Iffco Tokkio General Insurance Co., Ltd.,

KSPMF Building, 3rd Floor, 3rd Block,

No.8, Cunningham Road,

Bengalore-560052.

...Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned IV Additional District Judge at Coimbatore to dispose off the execution petition Viz., E.P.No.59 of 2019 expeditiously in a time framed manner.

For Petitioners : Ms.S.Valarmathi

**ORDER**

The limited prayer sought for in the present petition is to dispose of the suit in E.P.No.59 of 2019 within a time frame.

2. The said execution petition is long pending before the said Court from the year 2018 which was filed praying to execute an order passed in M.C.O.P.No.175 of 2014 on 01.09.2017 in favour of the petitioners by granting Rs.13,31,600/- as compensation for the death of deceased Stephen whose legal heirs are petitioners herein, hence, the petitioners are seeking for an expeditious disposal.

3. The learned counsel for the petitioner would submit that the petitioners herein are Srilankan refugees, who are already facing lots of struggles for their survival for well known reasons. Adding to their agony, the sudden demise of deceased Stephen had pushed the petitioners into a state of misery. They were forced to live their life without any proper financial support and without any basic amenities as it is a part of requirement for their survival. Further, he would submit that the learned

trial Judge did consider the pathetic situation and held that the respondents are liable to pay Rs.13,31,699/- with 7.5% interest per annum. Since the compensation amount was not paid by the respondents. Hence, the petitioners have filed execution petition, which is still pending. Originally, the execution petition was taken on file on 19.06.2019 and till date it has gone about eleven hearings without any progress for the sole reason that the respondents were seeking time for filing their counter. Due to the inordinate delay in disposal of the execution petition, the respondents did not even deposit a single penny of the compensation awarded in favour of the petitioners herein. Hence, the learned counsel for the petitioners prays to allow this petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. On a perusal of the adjudication orders, it is seen that originally the execution petition was filed in the year of 2019 and the petitioners themselves have submitted that continuously this matter was adjourned several time only for the reason for filing counter affidavit on behalf of

the respondents and the same is pending by the act of the respondents and dragging the same by seeking adjournments one after another. Now, the petitioners have come forward with this present revision petition for the early disposal of the execution proceedings in E.P.No.59 of 2019. The entire nation has been facing the difficult situation of lock down for the past one year. Due to the pathetic situation, the Court below did not proceed further in this matter. Now, this Court is inclined to direct the Court below to consider the execution proceedings.

6. In view of the present stage of the execution petition in E.P.No.59 of 2019 and also taking into account the fact that the execution proceedings was originally initiated in the year 2019, it would be appropriate to direct the IV Additional District Judge at Coimbatore to consider and dispose of the execution proceedings in E.P.No.59 of 2019, within a period of six months from the date of receipt of copy of this order.

7. Accordingly, the Civil Revision Petition stands disposed of. No costs.

**26.02.2021**

Index: Yes/No  
Speaking order/Non-Speaking Order  
sbn

To

The IV Additional District Judge,  
Coimbatore.



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**V.BHAVANI SUBBAROYAN, J.**

sbn



**C.R.P. (NPD) No.362 of 2021**

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**23.02.2021**