

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).Nos.2011 & 2012 of 2016
and
C.M.P.Nos.10478 & 10479 of 2016

Tamil Nadu State Transport
Corporation Limited,
rep. By its Managing Director,
Villupuram.

... Petitioner in both CRP(NPD)s

Vs.

N.Rekharukmani

... Respondent in CRP(NPD).2011/2016

K.Narayanan

... Respondent in CRP(NPD).2012/2016

PRAYER in CRP (NPD) 2011/2016 : The Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 21.06.2016 made in Unnumbered I.A. of 2016 in M.C.O.P.No.197 of 2008 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Arni.

PRAYER in CRP (NPD) 2012/2016 : The Civil Revision Petition filed under Article 227 of the Constitution of India against the docket order dated 21.06.2016 made in Unnumbered I.A. of 2016 in M.C.O.P.No.300 of 2008 on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Arni.

In both CRPs

For Petitioner : Mr.K.Selvakumar

For Respondent : Mr.S.Sathiaseelan

COMMON ORDER

(Heard through video conferencing)

These Civil Revision Petitions have been filed by challenging the docket orders dated 21.06.2016 made in Unnumbered I.A. of 2016 in M.C.O.P.Nos.197 and M.C.O.P. 300 of 2008 respectively, on the file of the Motor Accident Claims Tribunal, Subordinate Judge, Arni. Since the issues involved in these petitions are identical, they are disposed through a common order.

2. The submissions made by both side counsels heard and records perused.
3. These petitions have been filed by the State Transport Corporation, who was a respondent in the Original Petition, on the allegations that the award which has been passed basing on the compromise arrived in Mega Lok Adalat on 25.08.2014 should be converted into a contested award.
4. Whenever a matter is compromised and a memo is filed before the tribunal, it has no other choice except to pass an award basing on the compromise memo.

5. Once such a compromise award is passed, the tribunal has become functus officio, so far as the passing of decree is concerned, and it doesn't have the power change one type of decree into another type of decree. Hence the request of the petitioner to convert the nature of the award from Compromise award to Contest Award is not possible. And such a course of action is neither legal.

6. Learned counsel for the petitioner submitted that in the joint memo filed before the Court the signature of the counsels alone was made and the parties did not sign and the petitioner is not a party to the memo. But the affidavits of the petitioner filed in both the unnumbered petitions would show that the petitioner was aware of the compromise and he also accepted the fact of negotiations made in Meha Lok Adalat. Only in pursuance of such negotiations, the understanding between the parties as to the quantum of compensation has been arrived. Only in pursuance of that the joint memo has also been filed and the award has been passed. When the petitioner is aware of those things and has admitted them in his affidavit themselves, it is not open to him to challenge the award passed by this tribunal or file a petition with the prayer to change the type of the award passed by the tribunal.

7. Since these petitions are abuse of process of Court, they are not maintainable. The tribunal is right in rejecting the same as not maintainable. Hence I find no reason to interfere with the orders of the Motor Accident Claims Tribunal, Subordinate Judge, Arni passed in I.A.Nos. Unnumbered of 2016 in M.C.O.P.Nos.197 and 300 of 2008 respectively.

In the result, the Civil Revision Petitions in C.R.P.(NPD).Nos.2011 of 2016 and 2012 of 2016, stand **dismissed**. No costs. Consequently, connected civil miscellaneous petitions in C.M.P.Nos.10478 & 10479 of 2016 are also closed.

14.06.2021

Speaking/Non-speaking

Index : Yes/No

Internet : Yes/No

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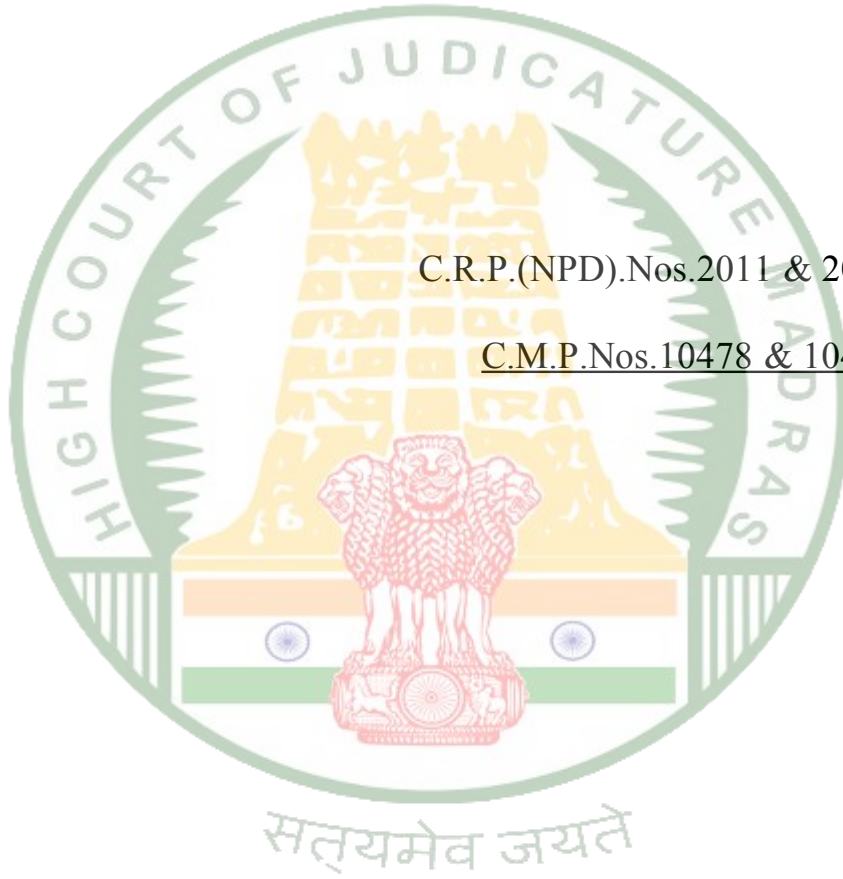
1. The Motor Accident Claims Tribunal,
Subordinate Judge, Arni.
2. The Managing Director,
Tamil Nadu State Transport
Corporation Limited,
Villupuram.
3. The Section Officer,
V.R.Section,
High Court, Madras.



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R.N.MANJULA,J.

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and
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