

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CRP.NPD.Nos.3491, 3532, 3559 & 3560 of 2016 and
CMP.Nos.17771 & 18067 of 2016

CRP.NPD.No.3491 of 2016

A.K.Shanmugasundaram

..Petitioner

Vs.

Chennaveer Devoru

..Respondent

(cause title accepted vide order of court
dated 24.08.2016 made in CMP.No.13379,
13380 of 2016 in CRP.NPD.Sr49876 & 49881 of 2016)

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 15.12.2015 made in EA.No.100 of 2014 in EP.No.163 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.202 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore).

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.I.C.Vasudevan

CRP.NPD.No.3559 of 2016

A.K.Shanmugasundaram

..Petitioner

Vs.

K.Siddaiah

..Respondent

(cause title accepted vide order of court
dated 12.09.2016 made in CMP.No.14429,
14427 of 2016 in CRP.NPD.Sr49886 & 49892 of 2016)

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 15.12.2015 made in EA.No.97 of 2014 in EP.No.179 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.201 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore).

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.I.C.Vasudevan

CRP.NPD.No.3560 of 2016

A.K.Shanmugasundaram

..Petitioner

Vs.

K.Siddaiah

..Respondent

(cause title accepted vide order of court
dated 12.09.2016 made in CMP.No.14426,

14427 of 2016 in CRP.NPD.Sr49886 & 49892 of 2016)

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated 15.12.2015 made in EA.No.573 of 2015 in EP.No.179 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.201 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore).

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.I.C.Vasudevan

CRP.NPD.No.3532 of 2016

A.K.Shanmugasundaram

..Petitioner

Vs.

Chennaveer Devoru

..Respondent

(cause title accepted vide order of court dated 24.08.2016 made in CMP.No.13379, 13380 of 2016 in CRP.NPD.Sr49876 & 49881 of 2016)

PRAYER:

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The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decretal order dated

15.12.2015 made in EA.No.572 of 2015 in EP.No.163 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.202 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore).

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.I.C.Vasudevan

COMMON ORDER

The civil revision petitions in CRP.Nos.3491 & 3559 of 2016 are filed against the fair and decretal order dated 15.12.2015 made in EA.No.100 of 2014 in EP.No.163 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.202 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore) and against the fair and decretal order dated 15.12.2015 made in EA.No.97 of 2014 in EP.No.179 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.201 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore), thereby allowing the petitions to amend the second respondent's name.

2. The civil revision petitions in CRP.Nos.3532 & 3560

of 2016 are filed against the fair and decretal order dated 15.12.2015 made in EA.No.573 of 2015 in EP.No.179 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.201 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore) and against the fair and decretal order dated 15.12.2015 made in EA.No.572 of 2015 in EP.No.163 of 2013 on the file of the learned I Additional Sub Court, Erode (transferred MVC No.202 of 2002 on the file of the learned II Additional Civil Judge and MACT, Mysore), thereby allowing the petitions to amend the second respondent's father's name.

3. In all the civil revision petitions, the petitioner is the second respondent in the execution proceedings. The first respondent filed claim petition before the Motor Accidents Claims Tribunal at Mysore as against the petitioner and another. The claim petition was allowed by the judgment and decree dated 24.05.2002. Since the second respondent against whom award was passed residing at Erode, the first respondent transmitted the decree to the file of the I Additional Sub Court, Erode. Thereafter, the first respondent found that the name of the petitioner and his father's name wrongly mentioned in the claim petition and also award. Therefore, the first respondent filed petition for amendment to include the name of

'Shanmugasundaram @' in the name of the petitioner herein and the father's name amended as Karuppanna Mudaliar @ Karuppannasamy.

4. The learned counsel for the petitioner would submit that the identity of the petitioner itself is now under dispute, since originally the claim petition was filed as against one A.K.Shanmugaswamy. Now after transmitting the decree, the first respondent came forward with the petition to include the @ name as Shanmugasundaram in respect of second respondent and @ Karuppannasamy in respect of his father's name. Therefore, the second respondent had lost his opportunity before the Motor Accidents Claims Tribunal to defend the claim petition, since award now has been passed as against the petitioner. However, insofar as the orders of amendment is concerned, there is no infirmity or illegality in the orders passed by the court below.

5. Therefore, all the civil revision petitions are dismissed. However, the petitioner is at liberty to agitate before the execution court in respect of identity of the person in the manner known to law. Consequently, connected miscellaneous petitions are closed. No order as to costs.

23.03.2021

Speaking/Non-speaking order

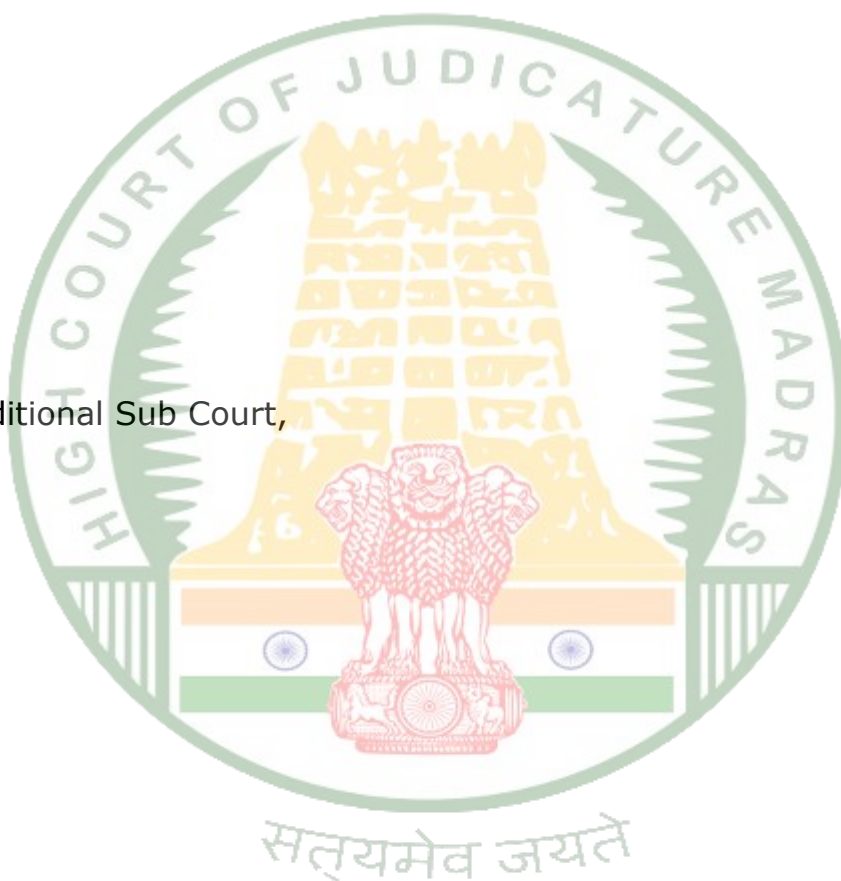
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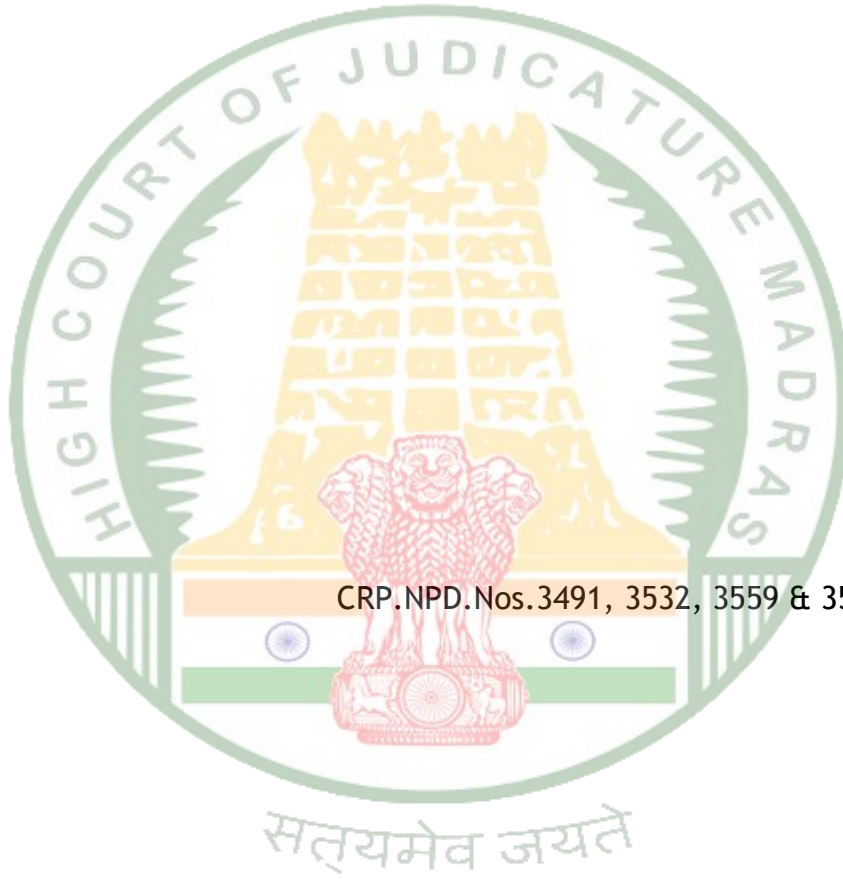
The I Additional Sub Court,
Erode



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G.K.ILANTHIRAIYAN,J.

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CRP.NPD.Nos.3491, 3532, 3559 & 3560 of 2016

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