



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

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THE HON'BLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) No.143 of 2021

S.Muthuramalingam

... Petitioner/Petitioner/Petitioner

-Vs-

The Commissioner
Madurai Corporation
Madurai

...Respondent/Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to issue direction to the learned Special Sub Court of Madurai to decide the E.P.No.23 of 2020 in M.C.O.P.No.277 of 2017 on merits and in accordance with law, within a time stipulated by this Court.

For Petitioner : Mr.V.OM.Prakash

O R D E R

This Civil Revision Petition has been filed seeking a direction to the learned Special Subordinate Judge, Madurai to dispose the execution proceedings in E.P.No.23 of 2020 in M.C.O.P.No.277 of 2017 within the time stipulated by this Court.

2.The learned counsel for the petitioner would submit that on 28.03.2016 at about 08.30 a.m, when the petitioner was driving his two wheeler Near Rajiv Gandhi Nagar, Thirupparankundram, Madurai, towards West to East, the respondent's lorry bearing Registration No.TN-59-BA-7432(Medium Goods Vehicle) which came to the opposite direction towards East to West, dashed against the petitioner, due to the impact, the petitioner got injured and 100% permanent disability. Hence, the petitioner filed a claim petition in MCOP.No.277 of 2017 before the Motor Accident Claims Tribunal (District Court), Madurai to direct the respondent to pay a sum of Rs.20,00,000/- which includes interim compensation amount of Rs.25,000/- to the petitioner where the learned Judge has issued order and directed the respondent to deposit a sum of Rs.23,73,000/- along with interest within one month from the date of receipt of copy of the order. Since the respondent has not deposited the said amount, the petitioner filed an Execution Petition in E.P.No.23 of



2020 in MCOP.No.277 of 2017 to realize the awarded compensation amount and it is pending without any progress. The grievance of the petitioner is that though Batta had been paid regularly, the case is posted on various dates for issuance of notice to the respondent. Subsequent to that, notice served on the respondent and the same is confirmed by the Court diary on 11.12.2020, but, the respondent did not appear before the Court below. He further submitted that the respondent did not file Vakalath in the E.P.proceedings and only with an intention to drag on the proceedings, he did not appear before the Court below. Hence, the present civil revision petition is filed for speedy disposal of the Execution Petition in E.P.No.23 of 2020.

3. Since this Civil Revision Petition is filed for early disposal of the execution petition, no notice is necessary to the respondent herein.

4. Considering the facts and circumstances of the case, this Court feels that ends of justice would be met by directing the Court below to dispose the execution petition within a time frame. Without adverting to the merits of the case, a direction is issued to the learned Special Subordinate Judge, Madurai to dispose the E.P.No.23 of 2020 in MCOP.No.277 of 2017 on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

1.The Special Subordinate Judge
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Registrar(Judicial)
Madurai Bench of Madras High Court,
Madurai.

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