



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2022

CORAM :

THE HONOURABLE MS.JUSTICE **P.T.ASHA**

C.R.P. (MD) No.749 of 2021

and

C.M.P. (MD) Nos.6601 and 6602 of 2021

The Branch Manager,
The New India Assurance Company Limited,
No.A-104/105, Gail No.7, Pratap Nagar,
Mayur Vihar, Near Mayur Vihar Ph.-I,
Metro Station,
New Delhi 110 091. ... Petitioner/Respondent/Judgment Debtor

vs.

1.R.Uma Rani

2.T.Arun Sabapathy

3.T.Aravind

4.T.Aswin Rajasimman ... Respondents/Petitioners/Judgment
Creditors

PRAYER:- This Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the order made in E.P.No.74 of 2019 in MCOP.No.1496 of 2012 dated 18.01.2021 on the file of the Motor Accident Claims Tribunal, VI Additional District Court, Madurai.

For Petitioner : M/s.J.S.Murali
For R1 to R3 : Mr.T.Lajapathi Roy
For R4 : Mr.Aswin Rajasimman

ORDER

The Insurance Company has filed this Civil Revision Petition, challenging the order of attachment passed by the learned 6th Additional District Judge, Madurai on the ground that the award in MCOP.No.1496 of 2012 was challenged by them in CMA.(MD) No.23 of 2017. The appeal filed by the petitioner herein was dismissed and a Cross Objection (MD) No.21 of 2018 filed by the claimants was allowed and the award amount of Rs.50,09,524/- was enhanced to a sum of Rs.66,42,402/- with interest at the rate of 7.5% per annum. This order had been challenged by the Insurance Company in S.L.P.No.11156 of 2019 and notice had been ordered. Therefore, it is the contention of the Insurance Company that the execution proceeding was totally



misconceived and the attachment order was also premature.

2. When the matter came up today, the learned counsel appearing for the respondents would submit that the Insurance Company has deposited the entire award amount and therefore, the order of attachment is erroneous.

3. The learned counsel for the petitioner/Insurance Company was not present today. However, taking into account the submissions made by the learned counsel for the respondents, the Civil Revision Petition stands allowed and the order passed in E.P.No.74 of 2019 in MCOP.No.1496 of 2012 dated 18.01.2021 on the file of the Motor Accident Claims Tribunal, learned 6th Additional District Judge, Madurai is set aside. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mm

To

The 6th Additional District Judge,
Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-2317[F] dated 25/01/2022

C.R.P. (MD) No.749 of 2021
24.01.2022

SK(CO)

KB(17.02.2022) 2P 3C