



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2022

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE S. ANANTHI

CRP(MD).No. 321 of 2022

S.Thangaraj

.. Petitioner / Petitioner /Petitioner

Vs.

1.S. Nelliappan

2.R.Muthupandi

3.National Insurance Company Ltd.,

Divisional Manager,

11 2 Anguvila Building,

North Car Street,

Nagercoil, Kanyakumari District.

(No relief sought against the respondents 1 and 2

Hence, notice is not necessary for them)

.. Respondents /Respondents/Respondents

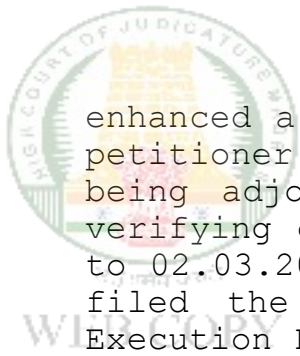
Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India against the repeated adjournments of the Execution Petition in E.P.No.49 of 2018 in MCOP.No.171 of 2005 before the 1st Additional Subordinate Judge, Nagercoil.

For Petitioner ... Mr. I. Robert Chandrakumar

ORDER

The revision petitioner has filed this revision to direct the learned 1st Additional Subordinate Judge, Nagercoil to dispose of E.P.No.49 of 2018 in MCOP.No.171 of 2005 pending on its file as expeditiously as possible.

2. The learned counsel appearing for the petitioner would submit that the petitioner has filed MCOP.No.171 of 2005 before the Motor Accidents Claims Tribunal (II Additional Sub Court), Nagercoil, seeking compensation for the injury sustained by him in the accident and the Tribunal has awarded a sum of Rs.11,27,359/- as compensation vide order dated 24.11.2006. Against which the third respondent/ Insurance Company has filed an appeal before this Court in CMA.No.499 of 2008 and the petitioner has also filed Cross Appeal No.24 of 2012 in the said CMA and the same were dismissed on 05.06.2012. Thereafter, the petitioner has filed Civil Appeal No.3152 of 2017 before the Hon'ble Apex Court and the Apex Court has



enhanced a sum of Rs.3,00,000/- as compensation. Subsequently, the petitioner filed E.P.No.49 of 2018 in the said MCOP and the same is being adjourned for more than 86 hearings and it is posted for verifying calculation memo on 22.12.2021, but again it is adjourned to 02.03.2022 for the very same reason. Hence, the petitioner has filed the present revision seeking early disposal of the said Execution Petition.

3. Heard the learned counsel appearing for the petitioner. Since it is only for speedy disposal of the case, no notice is necessary to the respondent.

4. On perusal of the records it is seen that the Hon'ble Apex Court has already passed an order on 06.03.2018 in Civil Appeal No.3152 of 2017 to disburse the differential amount paid over the petitioner within a period of eight weeks. The Execution Petition was filed in the year 2018 in E.P.No.49 of 2018, which was posted for orders on 11.03.2019 and the three years time have been lapsed. Till now no orders passed in the said Execution Petition. Hence, the the 1st Additional Subordinate Judge, Nagercoil is directed to dispose of E.P.No.49 of 2018 in MCOP.No.171 of 2005 within a period of one month from the date of receipt of a copy of this order.

5. Registry is directed to call for explanation from the concerned Court for the delay.

6. With the above observations, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

1. The 1st Additional Subordinate Judge, Nagercoil.

2. The Section Officer, B Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.I.ROBERT CHANDRA KUMAR, Advocate (SR-7988[F] dated 23/02/2022)

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SVS (CO)

TR(25.02.2022) 2P 4C

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