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C.R.P.NPD.No.1203 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20/6/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Civil Revision Petition NPD No.1203 of 2023

Gunasekaran ... Petitioner

Vs

M/s. Reliance General Insurance Company Limited
No.15 A PLA Kanagu Towers, II Floor
11th Main Road, Thillai Nagar
Trichy.

... Respondent

Prayer: Petition filed under Article 227 of the Constitution of India against the petition and order, dated 6/3/2023 passed in E.P.No.308 of 2022 in M.C.O.P.No.1373 of 2013 on the file of the Presiding Officer, Exclusive Motor Accidents Claims Tribunal, Tiruppur.

For Petitioner ... Mr.K.Myilsamy

ORDER

This Civil Revision Petition is filed aggrieved by orders, dated 6/3/2023 passed in E.P.No.308 of 2022 in M.C.O.P.No.1373 of 2013 on the file of the Presiding Officer, Exclusive Motor Accidents Claims Tribunal, Tiruppur.



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WEB COPY 2. The facts in brief are as follows:-

The petitioner has filed M.C.O.P.No.1373 of 2013, on the file of the Presiding Officer, Exclusive Motor Accidents Claims Tribunal, Tiruppur, same was allowed and the Tribunal has awarded Rs.6,75,000/- as compensation with interest at the rate of 7.5% p.a., on 7/4/2016, with respect to the accident occurred on 29/8/2013.

3. The award has been passed against the Reliance General Insurance Company, Trichy. E.P has been filed seeking to attach the property of the Insurance Company at Tiruppur, however Tiruppur branch of the Reliance General Insurance Company is not a party to the MCOP No.1373 of 2013 and no award has been passed against it. As E.P.No.308 of 2022 has been filed seeking attachment and sale of movable properties of the branch office at Tiruppur, as per orders dated 6/3/2023, the Presiding Officer, Exclusive Motor accident Claims Tribunal, Tiruppur, has dismissed E.P.No.308 of 2022, and directed the petitioner to file E.P before the appropriate Court, subject to the laws of limitations. Being aggrieved by the same, this Civil Revision Petition is filed.



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4. Heard Mr.K.Myilsamy, learned counsel for the petitioner and perused the materials available on record.

5. The learned counsel appearing for the petitioner submitted that the Execution Petition cannot be dismissed on technical grounds and that the Judgment Debtor Insurance Company has sufficient properties within the local limits of the Tiruppur Court, there was no need to apply for transmission of Decree/ award hence sought for setting aside of the order.

6. Section 38 of the Code of Civil Procedure gives power to the trial Court to execute a decree passed by it or by the Court to which it is sent for execution. In the case on hand, the decree has been passed by the Motor Accidents Claims Tribunal at Tiruppur only. Therefore, prima facie, by virtue of Section 38 of the Code of Civil Procedure, the Tribunal/Sub-Court, can entertain the Execution Petition.



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7. Accordingly, this Civil Revision Petition is allowed and E.P.No.308 of 2022 is remanded back to the Presiding Officer, Exclusive Motor Accidents Claims Tribunal, Tiruppur, for the Sub-Court (Motor Accident Claims Tribunal), for early disposal. No costs.

20/6/2023

Index :yes/no

Neutral Citation: Yes/No

mvs.

To

The Presiding Officer, Exclusive Motor Accidents Claims Tribunal,
Tiruppur.

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