



C.R.P.No.225 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Civil Revision Petition No.225 of 2023

and

C.M.P. No. 1873 of 2023

The Managing Director,
Tamil Nadu State Transport Corporation,
(Coimbatore Division II) Limited,
Chennimalai Road,
Erode.

.. Petitioner

Versus

Thangaraj

.. Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Petition and Docket order dated 28.07.2022 made in E.P. No. 6 of 2019 in M.C.O.P. No. 92 of 2016 on the file of the Sub Judge, Perundurai.

For Petitioner

: Mr. M.Murali Vinodh

For Respondent

: No appearance



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ORDER

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This Civil Revision Petition has been filed by the petitioner/judgement debtor 2 challenging the order dated 28.07.2022 made in E.P. No. 6 of 2019 in M.C.O.P. No. 92 of 2016 on the file of the Sub Judge, Perundurai.

2. In M.C.O.P. No. 92 of 2016 has been filed by the respondent/deeree holder due to the accident had taken place on 06.11.2016 claiming compensation of Rs. 40,00,000/- along with interest. The said MCOP was partly allowed by the Sub Court, Perundurai (Motor Accident Claims Tribunal) awarding the compensation under the following heads:-

Permanent disability	Rs. 6,98,880/-
Loss of Income (6500x4)	Rs. 26,000/-
Transport and___	Rs. 25,000/-
Pain and Sufferings	Rs. 2,00,000/-
Future Impact___	Rs. 3,00,000/-
Medical Expenses	Rs. 8,95,000/-
Future Medical Expenses	Rs. 30,000/-
Total	Rs. 21,74,880/-

3. Thereafter, the respondent herein filed the Execution Petition in E.P. No. 6 of 2019, in which attachment was ordered. Subsequently, movable property was also attached and based on the calculation memo, the amount has



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also been paid with interest and for the balance due by the impugned order dated 28.07.2022, the Court below granted time till 29.08.2022. Thereafter, the petitioner/judgement debtor 2 has filed the present Civil Revision Petition challenging the said order dated 28.07.2022 in E.P. No. 6 of 2019 in M.C.O.P. No. 92 of 2016.

4. The learned counsel for the petitioner submitted that the trial Court ought to have considered the calculation memo filed by the petitioner herein, wherein it is clearly stated that the entire amount was deposited by the petitioner herein and there is no balance amount to be paid to the respondent as per the order dated 15.12.2017 made in M.C.O.P. No. 92 of 2016. He further submitted that the trial Court failed to note that the awarded a sum of Rs.21,74,880/- with interest. After making proper deduction of TDS from the interest portion, the petitioner deposited the balance amount in six instalments. As there was delay caused in depositing the said money, the petitioner also calculated difference of interest for each installment and deposited the same after deducting TDS amount for such difference of interest. Further, the non-paid interest for the amount awarded on the head of future inconvenience and future medical expenses was also paid. Without considering the legal position, the trial Court simply held that the petitioner herein had to pay the balance



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amount as per the calculation memo filed by the respondent herein.

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5. Though notice was served on the respondent/decreed holder, there is no representation for him either in person or through counsel.

6. Heard the learned counsel for the petitioner and perused the entire materials available on record.

7. Since the Civil Revision Petition is filed after the execution proceedings, the Court below had directed to pay the balance amount by 29.08.2022, but it seems that on 29.08.2022 till the date of filing the Civil Revision Petition i.e. on 19.12.2022, there is no progress shown with respect to payment of balance amount, the Tribunal awarded the sum of Rs. 21,74,880/- as compensation to the respondent herein with interest at 7.5% per annum. As per the calculation memo filed by the respondent herein before the Court below, the balance that has to be paid Rs. 5,11,642/-, which has not been shown to have paid till date. Since there is no appearance for the respondent/decreed holder it is to be taken that there is no dispute in the amount to be paid by the judgement debtor at Rs. 5,11,642/-. If the respondent/decreed holder is not satisfy with the amount paid by the petitioner/judgement debtor 2 it is for them to workout the remedy before the Court below. If at all any



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amount is to be by the petitioner, it has to paid within a reasonable time. If the decree holder further disputes, the same it is for them to approach the Court below and settle the issue.

8. With the above observations, this Civil Revision Petition is disposed. Consequently, the connected Miscellaneous Petition is closed. No costs.

02.08.2023

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
kv

To

The Sub Judge, Perundurai.



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V.BHAVANI SUBBAROYAN,J.

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