



C.R.P.No.487 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.487 of 2023

and

C.M.P.No.3941 of 2023

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

.. Petitioner

Versus

P.Jaganathan

.. Respondent

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the petition and Docket order dated 03.09.2022 made in E.P.No.22 of 2020 in M.C.O.P.No.138 of 2014 on the file of the Sub Judge, Perundurai.

For Petitioner : Mr.M.Murali Vinoth

For Respondent : Mr.R.Nalliyappan

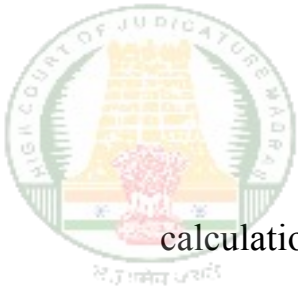


C.R.P.No.487 of 2023

ORDER

WEB COPY This Civil Revision Petition is filed by the petitioner/judgement debtor-2, challenging the order dated 03.09.2022 made in E.P. No. 22 of 2020 in M.C.O.P. No. 138 of 2014 on the file of the Sub-Court, Perundurai.

2. The respondent herein (claimant) filed MCOP No. 138 of 2014 before the Sub Court, Perundurai stating that on 15.08.2014 at 7.20 p.m., the claimant was walking on the Kunnathur Four Road to Perundurai. While he was coming near Murugan Tea Stall from East-West, a bus bearing Registration No.TN 33 N 1731 which came from South-North in a rash and negligent manner, dashed against the claimant, which has resulted in the accident. The Tribunal has awarded a sum of Rs.17,77,678/- with interest at 7.5% per annum. Thereafter, the petitioner herein filed an appeal in C.M.A.No.1396 of 2018 before this Court in which the Division Bench of this Court, by judgment dated 09.10.2018, enhanced the compensation amount to Rs.28,95,046/- with some direction stated therein. Now, the execution proceedings have been initiated by the claimant/respondent herein in which the calculation memo has also been filed on behalf of the petitioner/transport corporation stating that no amount is due to be deposited by them. The claimant/respondent herein has filed a



C.R.P.No.487 of 2023

calculation memo stating Rs.2,46,927/- has been paid by the petitioner herein.

WEB COPY

3. Heard both sides and perused the materials available on record.

4. On a perusal of the records, it reveals that the respondent has filed a claim petition before the Tribunal in MCOP.No.138 of 2014 claiming compensation for the injuries sustained by him in an accident occurred on 15.08.2014. After trial, the Tribunal by its Award dated 08.12.2015, awarded a sum of Rs.17,17,678/- as compensation to the respondent with interest @ 7.5/- p.a. In the meanwhile, the Transport Corporation has filed CMA.No.1396 of 2018 before this Court challenging the quantum of compensation. This Court enhanced the award amount to Rs.28,95,046 by its judgement dated 09.10.2018. After enhancement, the petitioner/Transport Corporation has to pay the enhanced amount Rs.11,17,368/-.

5. Since the Civil Revision Petition is filed after initiation of execution proceedings, the Court below had directed to pay the balance amount of Rs.2,46,927/- by 21.09.2022, but it seems that from 21.09.2022 till the date of filing the Civil Revision Petition i.e. 19.12.2022, there is no progress shown



C.R.P.No.487 of 2023

with respect to payment of balance amount. The Tribunal awarded the sum of Rs.17,17,678/- 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 is Rs.2,46,927/-, which has not been shown to have paid till date. If the respondent/decreed-holder is not satisfied with the amount so far paid by the petitioner/judgement debtor-2, it is for them to workout the remedy before the Court below. If at all any amount is to be by the petitioner herein, it has to be paid within a reasonable time. If the decree holder further disputes the same, it is for him to approach the Court below and settle the issue.

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

02.08.2023

kv

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

The Sub Judge, Perundurai.

4/5



WEB COPY



C.R.P.No.487 of 2023

V.BHAVANI SUBBAROYAN,J.

Kv

C.R.P.No.487 of 2023

02.08.2023