



C.R.P(MD)No.371 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.08.2023

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.371 of 2019

and

C.M.P(MD)No.1790 of 2019

Tamil Nadu State Transport Corporation
By its Managing Director,
Trichirappalli-620 001.

...Petitioner/Respondent/
Respondent

Vs.

1.P.Manimekalai

2.P.Yuvedha

3.P.Dilip

Palaniyammal (Died)

4.P.Veluchamy

...Respondents/Petitioners/
Petitioners

*(The fourth respondent is the driver
of the revision petitioner and that he
given up)*

PRAYER: Civil Revision Petition is filed Section 115 of C.P.C., to call for the records relating to the orders passed in E.P.No.133 of 2018, dated 31.01.2019 on the file of the III Additional District Court, Tiruchirappalli against M.C.O.P.No.91 of 1993 on the file of the II Additional District Court, Tiruchirappalli and set aside the same.



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For Petitioner : Mr.P.Prabhakaran

For R1 to R3 : Mr.M.Saravanan

For R4 : Given up

ORDER

This civil revision petition has been filed against the order passed by the III Additional District Court, Tiruchirappalli in E.P.No.133 of 2018, dated 31.01.2019.

2. The petitioner is the second respondent before the Court below. For the sake of convenience, the parties will be referred as per the litigative status before the Trial Court.

3. The brief facts which give rise to the filing of the instant civil revision petition is that, the petitioner filed an execution petition in pursuance of the award passed by the Motor Accident Claims Tribunal in M.C.O.P.No.91 of 1993. It appears that in pursuance of the award passed in M.C.O.P.No.91 of 1993, a Civil Miscellaneous Appeal was filed in C.M.A.No.428 of 2012. In which, enhancement of compensation was awarded.



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4. In pursuance thereof, the petitioner filed an execution application under Order 21 Rule 43 and 66 of C.P.C., and sought for attachment of bus belonging to the second respondent. In the said execution petition, the second respondent has filed a memo stating that they have fully satisfied the award, and therefore, prayed to dismiss the execution petition.

5. After hearing both side, the learned Trial Judge has ordered to attach the petition mentioned movables. For ready reference, the order of the Court below is extracted hereunder:

*"Perused. There appears to be no legal impediment to execute the award or to grant the relief as sought for. Hence, the petition is allowed.
Attach by 07.03.2019. Batta in 3 days."*

6. The mere perusal of the order would manifest the cryptic nature of order. Further, from the perusal of the order, though the second respondent has filed a counter and memo to the effect that they have satisfied the entire E.P. amount, there were no discussions in the impugned order dated 31.01.2019. The reasoning is the endogenous vantage of any order and inexorable requirements. The same is apparently missing in this order, which makes the order become perverse.



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7. Therefore, this Court is inclined to set aside the order passed by the learned Trial Judge. However, in the interest of justice, the matter is remitted back to the Court below to consider the matter afresh according to law and to pass a reasoned order within a period of two months from the date of receipt of the copy of this order. Both the parties are directed to appear before the Court below on 30.08.2023.

8. In the result, this Civil Revision Petition stands **allowed** as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

04.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The III Additional District Court,
Tiruchirappalli
- 2.The II Additional District Court,
Tiruchirappalli
- 3.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

C.KUMARAPPAN,J.



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