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C.R.P.No.325of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2024

CORAM

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

C.R.P.No.325 of 2022

and

C.M.P.No.1682 of 2022

Divisional Manager,  
New India Assurance Company Ltd.,  
Motor III Party Claims Office,  
No.45, More Street,  
Chennai - 1.

.. Petitioner

vs.

1. Usha,  
W/o Kuppan

2. Kuppan,  
S/o Krishnan

3. Thirunavukarasu

... Respondents

**Prayer in CRP** : The Civil Revision Petition filed under Article 227 of the Constitution of India against the order of attachment made in E.P.No.507/2017 in MCOP.No.2379/2002 dated 04.10.2021 on the file of Small Causes Court, Chennai.

For Petitioner : Mr.S.R.Sumathy

For Respondents : R1 & R2- unserved(vacated)  
No appearance for R3



**ORDER**

This Civil Revision Petition has been filed challenging the order of attachment made in E.P.No.507/2017 in MCOP.No.2379/2002 dated 04.10.2021 on the file of IIISmall Causes Court, Chennai.

2. The respondents 1 and 2 are the claimants and the 3rd respondent is the owner of the vehicle. Initially, before the Motor Accident Claims Tribunal, the Tribunal had awarded a compensation of Rs.1,74,500/- with interest to the claimants. The entire award amount was deposited by the Insurance Company before the Tribunal on 21.07.2005. However, the claimants/respondents 1 and 2 herein filed C.M.A.No.91 of 2006 for enhancement of compensation and this Court enhanced the compensation amount to Rs.3,05,000/- and the Insurance Company had also deposited the differential compensation amount required to be paid and the balance amount was also withdrawn by the claimants.

3. It is the specific contention of the learned counsel for the petitioner/Insurance Company that without notice to the petitioner/Insurance Company, a fresh E.P.No.507 of 2017 was filed and the Tribunal, without noticing the same, had ordered for attachment of



movable property against the Petitioner/Insurance Company.

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4. It is seen from the records that the claimants have withdrawn the entire compensation amount which was deposited by the revision petitioner by filing full satisfaction memo. Without verifying the same, the Court below had passed the order of attachment against the revision petitioner. Further, it is pertinent to point out that though notices were sent to respondents 1 and 2 i.e., on 23.03.2022 & 13.06.2022, the same was returned as 'no such persons' and also with an endorsement 'vacated the premises'. Even though their names were printed in the cause list today, the 1st and 2nd respondents/claimants, neither appeared before this Court in person nor through counsel. Moreover, without proper notice to the petitioner/Insurance Company, a fresh E.P.No.507 of 2017 was filed by the claimants.

5. In view of the above discussion, this Court of the view that the order of attachment passed by the Court below is liable to be set aside. Accordingly, the order of attachment of movable property passed against the revision petitioner dated 04.10.2021 made in E.P.No.507 of 2017 in M.C.O.P.No.2379 of 2002 by the III Small Causes Court, Chennai, is



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hereby set aside. The Civil Revision Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index :yes/No  
Speaking /Non speaking order  
vsi

To

The III Small Causes Court,  
Chennai



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**J.NISHA BANU, J.**

vsi

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**22.02.2024**