



WEB COPY



CRP.No.5024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRP.No.5024 of 2023

and

CMP.No.29267 of 2023

V.L.Jayakumar (Deceased)

J.Uma Maheswari

...

Petitioner

/vs/

The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Rep.by its Managing Director,
Having office at Bye-pass Road,
Madurai.

...

Respondent

PRAYER : This civil revision petition has been filed under Article 227 of Constitution of India to order early disposal of EP.No.36/2018 in MCOP No.678 / 2015 pending on the file of the 1st Additional District & Sessions Court, Vellore and allow this C.R.P.with costs.

For Petitioner

...

Ms.Ramya Muralikumaran
for M/s.MCGAN LAW FIRM

ORDER

This civil revision petition has been filed to order early disposal of EP.No.36/2018 in MCOP No.678/2015 pending on the file of the 1st Additional District & Sessions Court, Vellore.



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2.The learned counsel appearing for the petitioner submitted that the petitioner has lost her son in the accident, so, she filed MCOP No.678 of 2015, which was allowed on 26.04.2017. Hence, the petitioner filed E.P.No.36 of 2018, thereafter, the respondent filed CMA No.845 of 2018 against the Judgment of MCOP No.678 of 2015 before this Court. The trial Court has not considered the EP Petition continuously adjourned the same without any progress on the ground that CMA No.845 of 2018 is pending before this Court. Therefore, the present civil revision petition has been filed.

3.I have considered the matter in the light of the submission made by the learned counsel appearing for the petitioner as well as perused the materials available on record.

4.On perusal of records, it is noticed that in the MCOP No.678 of 2015, the trial Court passed an award on 26.04.2017, against which, the respondent filed CMA.No.845 of 2020, in which, this Court passed an interim order on 06.03.2020 directing the respondent to deposit 50% of the



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award amount with accrued interest to the credit of MCOP No.678 of 2015 which was complied with by the respondent, thereafter, the abovesaid CMA.No.845 of 2020 was dismissed on 30.04.2021 by this Court.

4.Considering the nature of the Execution Petition pending before the trial Court after dismissal of CMA.No.845 of 2020, the petitioner is hereby permitted to withdraw the award amount deposited by the respondent, namely, The Tamil Nadu State Transport Corporation (Madurai) Limited, as a part of the award amount and the learned trial Judge is hereby directed to proceed with the Execution Petition and disposed the same within a month from the date of receipt of a copy of this order.

In the result, the civil revision petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
Internet : Yes/No
sms

19.01.2024



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To
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1.The 1st Additional District & Sessions Court,
Vellore.

2.The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Rep.by its Managing Director,
Having office at Bye-pass Road,
Madurai.



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V.SIVAGNANAM ,J.

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