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C.R.P.(NPD) No.4518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.11.2024

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THE HON'BLE JUSTICE N.SATHISH KUMAR

C.R.P.(NPD) No.4518 of 2024

Murugan ... Petitioner/Petitioner/Petitioner
-vs-

The Managing Director,
Tamil Nadu State Express Transport Corporation Ltd.,
Villupuram. ... Respondent/Respondent/Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to allow the CRP and set the order and decretal order dated 05.02.2024 made in I.A.No.2784 of 2023 in M.C.O.P.No.108 of 2005 on the file of the Sub Court, Gingee.

For Petitioner : Mr.V.Perumal

For Respondent : Mr.M.Aswin

ORDER

Challenging the order dated 05.02.2024 passed by the Sub Court, Gingee in I.A.No.2784 of 2023 in M.C.O.P.No.108 of 2005, the present Revision Petition has been filed.

2. The Revision Petitioner had filed M.C.O.P.No.108 of 2005



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for claiming compensation for the injuries sustained by him in a road accident on 16.09.2005 and in the said MCOP, after due contest by the parties, a compensation to the tune of Rs.7,38,200/- had been awarded to the revision petitioner.

3. It appears that subsequently, the award had reached finality, pursuant to which, the revision petitioner filed an Interlocutory Application for payment out. The Trial Court has dismissed the said application, on the ground that, the High Court, while entertaining the Civil Miscellaneous Appeal No.1509 of 2008 as against the original award passed in M.C.O.P.No.108 of 2005, directed the respondent to deposit only Rs.3,00,000/-, by granting permission to the revision petitioner to withdraw a sum of Rs.1,50,000/- only with accrued interest and not the entire amount. Ultimately, the CMA was dismissed for default on 05.11.2019.

4. Learned counsel for respondent fairly conceded that as against the award passed, there is no appeal pending and the matter has attained finality.

5. In such view of the matter, this Court is of the view that in



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the absence of a specific direction by the High Court to release the entire amount, it cannot be said that the revision petitioner is not entitled for withdrawal of the compensation amount, as the revision petitioner contested the MCOP and obtained the award. Moreover, as on date, there is no appeal pending as against the award of the Trial Court either before the High Court or any other forum, as the CMA was dismissed for non prosecution as early as on 05.11.2019. Hence, the order of the Trial Court is liable to be set aside.

6. Accordingly, this Civil Revision Petition is allowed and the order dated 05.02.2024 passed by the Sub Court, Gingee in I.A.No.2784 of 2023 in M.C.O.P.No.108 of 2005 is hereby set aside, with a direction to the Trial Court to release the balance amount to the revision petitioner forthwith without any further delay. No costs.

26.11.2024

Index: Yes/No

Internet: Yes/No

Speaking Order/Non Speaking Order

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Note: Issue order copy on 27.11.2024

N.SATHISH KUMAR,J.,

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