



C.R.P.(NPD)(MD).No.485 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P.(NPD)(MD)No.485 of 2019

and

C.M.P(MD) No.2427 of 2019

Tamil Nadu State Express Transport Corporation Limited,
Through its Managing Director,
Pallavan Salai,
Chennai – 600 002.

... Petitioner/Respondent/
Respondent

-vs-

Ramesh

... Respondent/ Petitioner
Petitioner

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C, against the orders passed in E.P.No.103 of 2018 on the file of the Principal Sub Court, Kumbakonam dated 31.10.2018 against M.C.O.P.No.102 of 2010, on the file of the Additional Sub Court, Kumbakonam.

For Petitioner : Mr.P.Prabhakaran

For Respondent : Mr.R.Prakash

ORDER

The present Civil Revision Petition has been filed by the Transport Corporation, challenging the order passed in Execution proceedings in



C.R.P.(NPD)(MD).No.485 of 2019

E.P.No.103 of 2018 on the file of Principal Sub Court, Kumbakonam dated 31.10.2018 against M.C.O.P.No.102 of 2010, on the file of the Additional Sub Court, Kumbakonam.

2. According to the learned counsel appearing for the revision petitioner/Transport Corporation, they have deposited the entire award amount along with interest, after deducting the TDS amount. For the deduction towards TDS amount, the Tribunal had directed to deposit a sum of Rs.40,735/-. For depositing the said amount, a direction has been issued. Challenging the said order, the present Civil Revision Petition has been filed.

3. A learned Single Judge of this Court in *The Branch Manager Vs.K.Theivanai* reported in **2020(4) CTC 53** had directed all the Motor Accident Claims Tribunals to keep the execution proceedings in abeyance which deals with TDS deduction. The above said judgment has been followed by another learned Single Judge of this Court in a judgement reported in **2023 (5) LW 653**.



C.R.P.(NPD)(MD).No.485 of 2019

WEB COPY

4. In view of the above said judgments, this Court is inclined to set aside the order impugned in the revision petition. This Civil Revision Petition stands allowed and the matter is remitted back to the file of the Principal Sub Court, Kumbakonam, and the Motor Accidents Claims Tribunal/ Additional Sub Court, Kumbakonam, is directed to keep the execution proceedings in abeyance awaiting the orders of the Larger Bench of the Hon'ble Supreme Court. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

08.04.2024

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

1. The Principal Sub Court,
Kumbakonam.
2. The Additional Sub Court,
Kumbakonam.



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C.R.P.(NPD)(MD).No.485 of 2019

R.VIJAYAKUMAR,J.

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C.R.P.(NPD)(MD)No.485 of 2019

08.04.2024