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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**C.R.P.(MD)No.2596 of 2022**

**and**

**C.M.P.(MD)No.12714 of 2022**

S. Kumaresarethinam

... Petitioner

Vs.

1.Mary christy

2.Loorni Raksha

3.Rakshvin

*(R3 is minor represented by his mother R1)*

... Respondents

**PRAYER :** Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to call for the records pertaining to E.P.No.18 of 2020 in M.C.O.P No.616 of 2010 on the file of the District Judge's Court, Kanniya Kumari District at Nagercoil and set aside the order in E.P.No.18 of 2020 in M.C.O.P. No.616 of 2010 dated 05.09.2022.

For Petitioner : Ms. I.Shakila

For Respondents : Mr. N.S.Ramakrishna Dass



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## **ORDER**

This Civil Revision is filed by the respondent / owner of the vehicle against the order dated 05.09.2022 passed in E.P.No.18 of 2020 in M.C.O.P No. 616 of 2010 on the file of the District Court, Kanyakumari District at Nagercoil and to set aside the order.

2. The revision petitioner herein is the owner of the vehicle. The vehicle was not insured on the date of accident and hence the Tribunal had fixed the entire liability on the owner of the vehicle and awarded the compensation of Rs.4,93,000/-.

3. It is seen the accident occurred on 26.12.2009 and the order was passed on 28.02.2012. The revision petitioner has not preferred any appeal, however when the execution petition was initiated and the revision petitioner had appeared in the said proceedings and contested the case. In the EP proceedings the



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owner of the vehicle suffered an order of attachment against his agricultural land.

Hence the present Civil Revision Petition is filed.

4. By order of this Court, dated 03.10.2024 the revision petitioner was directed to deposit Rs.2,00,000/- and the revision petition had complied with the order. The Court had passed a further order dated 19.10.2024 directing the revision petitioner to deposit Rs.50,000/- and the same was also complied with. Now the balance amount of Rs.2,43,000/- is payable.

5. The contention of the revision petition is that the Tribunal had attached the agricultural land and the same cannot be attached. After hearing the submission, this Court is of the considered opinion if some consideration is shown in interest portion, the same would be suffice to meet the ends of justice. Therefore the revision petitioner is directed to deposit Rs.2,43,000/- on or before **31.01.2025.**



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6. As far as the interest portion is considered, since the revision petitioner has paid already deposited Rs.2,50,000/-, this Court is inclined to waive portion of the interest. The interest shall be calculated at 6% for the entire amount of Rs.4,93,000/- from the date of the order passed in MCOP that is from 28.02.2012 till the date of entire payment. From the said calculation the revision petitioner shall pay 50% of the calculated amount.

7. With these observations, this Civil Revision Petition is disposed of. No Costs. Consequently, connected petition is closed.

**28.10.2024**

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

KSA

**Note : Issue a copy of order on 21.01.2025**



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To

1. The Principal District Court,  
Kanniya Kumari District at Nagercoil.
2. The Section Officer,  
Vernacular Records Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**S.SRIMATHY, J.**

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**C.R.P.(MD)No.2596 of 2022**

**28.10.2024**