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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.2773 of 2024
and
C.M.P.(MD)No. 15568 of 2024

Sivakumar

...Petitioner

Vs.

Danson Machado

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the docket order dated 23.10.2024 passed in E.A.No.3 of 2024 in E.P.No.29 of 2014 in M.C.O.P. No.955 of 2004 on the file of the Additional District Court (Fast Track Court-I), Thoothukudi.

For Petitioner : Mr.M.P. Senthil

ORDER

This Civil Revision Petition is filed by the claimant in the MCOP to set aside the docket order dated 23.10.2024 passed in E.A.No.3 of 2024 in E.P.No.29 of 2014 in M.C.O.P. No.955 of 2004 on the file of the Additional District Court (Fast Track Court-I), Thoothukudi.



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2. The revision petitioner herein / claimant has filed a claim petition in M.C.O.P. No.955 of 2004 and the same was partly allowed by the Tribunal. Against the same the respondent herein has filed C.R.P(MD)No.2667 of 2010 and the same was dismissed on 18.10.2011. Thereafter the order passed in M.C.O.P. No.955 of 2004 has attained finality. Then the revision petitioner had filed E.P. No.29 of 2014. In the said EP the revision petitioner had filed E.A.No.1 of 2024 inter alia praying to permit the revision petitioner to receive the compensation amount which is deposited by the respondent. The EP Court after hearing both sides had allowed the E.A. No.1 of 2024 on 31.07.2024. Thereafter, E.A. No.3 of 2024 was filed to transfer the said award amount to the revision petitioner's Bank Account Number. In the said petition the Learned Additional District Judge (Fast Track Court-I), Thoothukudi, has issued notice.

3. The contention of the revision petitioner is that inspite of the Tribunal had passed an order in the year 2008 and inspite of permission to receive the deposited compensation in E.A. No.1 of 2024 the claimant could not recover even a single penny. Further, the Presiding Judge is vacant and the Learned I Additional District Judge, Thoothukudi, is assigned as additional charge. Therefore, the Learned I Additional District Judge, Thoothukudi, is



directed to process the E.A.No.3 of 2024 and complete the proceedings, on or before 20.12.2024.

4. With these directions, this Civil Revision Petition is allowed. No Costs. Consequently, connected miscellaneous petition is also closed.

30.10.2024

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

Note : Issue a copy of order on 22.11.2024

To

1. The Additional District Court (Fast Track Court-I),
Thoothukudi.
2. The I Additional District Court,
Thoothukudi.
3. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

KSA

Order made in
C.R.P(MD)No.2773 of 2024

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30.10.2024