



WEB COPY

CRP No. 666 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No. 666 of 2025 and CMP No.3783 of 2025

1. K. Annamalai
S/o.Kanniyappan, No.5/35, Marakayar
Nagar, 5th Street, Neelankarai,
Chennai-600041

Petitioner(s)

Vs

1. P. Alagarsamy
S/o.Ponnusamy, Sugar Apartmment,
22nd Street, Jai Nagar, Arumbakkam,
Chennai-600106

2.SHREEPRIYA
D/o.Shivaraj, Flat No.74, 1st Floor,
Raja Nagar, Neelangarai,
Chennai-600115 Now res at 2/630A,
Sultan Ahmed Street, Ice factory,
Chinna Neelangarai, Chennai-600115

Respondent(s)

Revision filed under Article 227 of Constitution of India against the fair and decretal order passed by V Small Causes Court Judge, Chennai in E.A.No... unnumbered of 2024 in E.P.No.716 of 2023 in MCOOP No.1219 of 2016 dated 20.09.2024.

For Petitioner(s): M/s. R. Vasudevan

For Respondent(s): No appearance



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ORDER

The decree holder is the revision petitioner. The decree holder, as claimant, filed MCOP No.1219 of 2016, claiming compensation in respect of injuries suffered by him in an accident that had occurred on 18.12.2014.

2. An award came to be passed as against the respondents herein for a sum of Rs.1,11,150/-, together with interest at 7.5% interest per annum, from 18.02.2016 till the date of realisation.

3. The revision petitioner filed E.P.No.716 of 2023 to realise the award amount. Initially, the petitioner sought for attachment of the vehicle, however, when it came to the knowledge of the petitioner that the vehicle has already been sold, the petitioner sought to amend the execution petition by substituting the prayer for "attachment", with the prayer for "arrest". Even at the unnumbered stage, the said application for amendment has been dismissed by the learned Tribunal, as against which, the present revision has been filed.

4. Learned counsel for the petitioner contends that the Tribunal has not even numbered the application and ordered notice to be issued to the respondents. If any such notice in the amendment application has been ordered, the petitioner would have been obligated to comply with the order. However, after reserving orders in the amendment application, without even properly



hearing the learned counsel for the petitioner, the Tribunal has proceeded to suo-motu reject the application, as if the petitioner has refused to send notice to the respondents.

5. Learned counsel for the petitioner would at the outset state that there is no order directing notice to be served on the respondent in the amendment application, especially since the application itself was unnumbered. He would also rely on the additional typed set of papers to contend that after making an application under the Right to Information Act, the petitioner has been able to establish that the second respondent is very much residing in the address to which the notice was sent and further, I find that even in the revision, the second respondent is served and has not entered appearance. Learned counsel also has relied on the decision of this in the case of *Manoharan vs S.P.Chohkalingam Chettiyar* reported in **2016 5 CTC 495**, where this Court has permitted amendment of the prayer sought for in the execution petition. In any event, I do not find any prejudice being caused to the respondent since the decree holder who intends to execute the award in his favor, which has admittedly become final, wants to substitute the prayer sought for in the execution petition. It is only in this regard, he moved the amendment application. The Tribunal ought not to have rejected the said application, even without numbering the same.



6. In the light of the above and also in view of the ratio laid down by this Court in *Selvaraj and others vs Koodankulam Nuclear Power Plant Indian Ltd* reported in *2021 SCC Online Mad 2514*, I am inclined to allow the revision.

7. Accordingly, the order passed by the Judge, V Small Causes Court, Chennai in unnumbered E.A. No... of 2024 in EP No.716 of 2023 dated 20.09.2024 is set aside and the civil revision petition is allowed. The learned Judge, V Small Causes Court, Chennai shall number the amendment application and dispose of the same on merits and in accordance with law after hearing the parties within a period of four weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petition is closed.

08-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
sr



To

V Small Causes Court, Chennai

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P.B.BALAJI J.

SR

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