



C.R.P.No.1367 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1367 of 2025

V.L.Jayakumar (Deceased)

J.Uma Maheswari

... Petitioner

Vs

The Tamil Nadu State Transport
Corporation (Madurai) Limited,
Represented by its Managing Director,
Having office at Bye-pass Road,
Madurai.

... Respondent

PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, pleased to set aside the order dated 16.02.2024 in E.P.No.36 of 2018 in MCOP No.678 of 2015 on the file of the 1st Additional District and Sessions Court, Vellore.

For Petitioner : Ms.Ramya Murali Kumaran
for MCGAN Law Firm



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ORDER

This Civil Revision Petition has been filed against the order passed by the 1st Additional District and Sessions Court, Vellore, in E.P.No.36 of 2018 in MCOP No.678 of 2015 on 16.02.2024.

2. The brief facts of the case are as follows :-

2.1. The petitioner and her husband had filed a petition in MCOP No.678 of 2015 against the respondent before the Motor Accident Claims Tribunal, Vellore (I Additional District and Sessions Court, Vellore) and the learned Judge, by a Judgment dated 26.04.2017 partly allowed the petition directing the respondent to pay the award amount of Rs.17,52,000/- within four weeks from 26.04.2017 with interest at 7.5% per annum from the date of filing of that petition on 12.08.2015 till the date of deposit, excluding default period.

2.2. Thereafter, the Decree Holders had filed an execution petition in E.P.No.36 of 2018 for executing the award. Meanwhile, the respondent had filed C.M.A.No.845 of 2020 before this Court challenging the judgment and decree passed in MCOP No.678 of 2015.

2.3. This Court, in C.M.P.No.5419 of 2020 in C.M.A.No.845 of 2020,



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had granted an order of interim stay on 06.03.2020 directing the respondent to deposit 50 % of the award amount with accrued interest and on depositing the same, the amount shall be kept in the interest bearing fixed deposit scheme in any one of the nationalized bank, till further orders of this Court. Pursuant to the same, the respondent had also deposited a sum of Rs.11,51,734/- in the SBI account on 24.09.2020. While so, C.M.A.No.845 of 2020 came to be dismissed for non-prosecution on 30.04.2021 and it has not been restored till date.

2.4. The dismissal of C.M.A.No.845 of 2020 by this Court was also intimated to the executing Court by the petitioner vide Memo dated 26.07.2021. Thereafter, the decree holders had filed a revision petition before this Court in CRP No.5024 of 2023 seeking direction for speedy disposal of the execution petition. This Court, by an order dated 19.01.2024, allowed the revision petition directing the executing Court to dispose the execution petition within a month from the date of receipt of copy of that order and also permitting the decree holders to withdraw the award amount deposited by the respondent.

2.5. Thereafter, the Executing Court, without the decree having been fully satisfied had closed the execution petition on 16.02.2024. Challenging the same, the present Civil Revision Petition has been filed.



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3. Learned counsel appearing for the petitioner submitted that pursuant to the dismissal of C.M.A.No.845 of 2020, the award passed by the Tribunal on 26.04.2017 has become final. She further submitted that the respondent had deposited only 50% of the award amount and the balance remains to be deposited, whereas, the executing Court without there being full satisfaction, closed the execution petition in a hasty manner, which was against law. Hence, she prayed to set aside the order passed in E.P.No.36 of 2018 dated 16.02.2024.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. A perusal of record shows that the issue is only between the petitioner and the Court, thereby, notice to the respondent is dispensed with. Admittedly, the Civil Miscellaneous Appeal filed by the respondent has been dismissed on 30.04.2021 and thereby, the Award stands confirmed and the respondent is liable to deposit the entire amount as per the Award dated 26.04.2017, whereas, the respondent had only deposited 50 % of the award amount. The Executing Court,



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without properly analyzing the fact that the entire award amount has not been deposited, had erred in closing the Execution Petition. Therefore, this Court is inclined to allow the revision petition.

6. Accordingly, the Civil Revision Petition stands allowed and the order passed by the Executing Court in E.P.No.36 of 2018 in MCOP No.678 of 2015 dated 16.02.2024 is set aside and the Execution Petition is restored to its file. The learned Executing Judge shall take every endeavor to dispose the execution petition in E.P.No.36 of 2018 in accordance with law as expeditiously as possible.

No costs.

03.04.2025

Note : Registry is directed to return the original papers to the counsel for the petitioner.

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The 1st Additional District and Sessions Court, Vellore.

2. The Tamil Nadu State Transport

Corporation (Madurai) Limited,

Represented by its Managing Director,



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Having office at Bye-pass Road, Madurai

3. The Section Officer,

WEB COPY VR Section, High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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