



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2025

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.(NPD).No.1117 of 2024

and

C.M.P.No.5798 of 2024

The Superintendent of Post Office,
rep., by the Superintendent,
Dharmapuri Division,
Dharmapuri.

Petitioner(s)

Vs

D.Ilayaraja

Respondent(s)

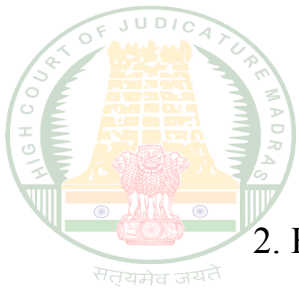
Prayer: Civil Revision Petition filed under Article 115 of Constitution of India to set aside the order made in I.A.No.28 of 2023 in MCOP.No.208 of 2008 on the file of the Sub Court, Dharmapuri dated 13.10.2023.

For Petitioner : Mr.V.Ashok Kumar

For Respondent : Mr.O.Raman

ORDER

This Civil Revision Petition has been filed to set aside the order made in I.A.No.28 of 2023 in MCOP.No.208 of 2008 on the file of the Sub Court, Dharmapuri dated 13.10.2023.



2. Brief facts of the case:-

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i) The respondent herein, met with a road accident on 16.12.2006 at about 9.30 pm, wherein, he had been dashed by the vehicle bearing Registration No.TN 33 K 9762 belonging to the petitioner herein and thereby sustained multiple injuries and thereupon, he had filed a claim petition for Rs.3,00,000/- in MCOP.No.208 of 2008 before the Motor Accidents Claims Tribunal (Sub Court), Dharmapuri.

ii) The petitioner, herein having remained absent, was set ex parte and the petition was allowed by an **ex-parte order dated 24.03.2009**.

iii) In order to execute the ex-parte order dated 24.03.2009 in MCOP.No.208 of 2008, the respondent/claimant had filed the REP No.28 of 2021. Even in the Execution Proceedings, the petitioner herein had not appeared and thereby the petitioner was set exparte on 25.07.2022 and an order of attachment was issued on 29.08.2022.

iv) Whiles, the revision petitioner had filed an application in I.A.No.28 of 2023, seeking to condone the delay of 5012 days in filing an Application to set-aside the ex-parte order dated 24.3.2009 contending that only on receipt of attachment notice in REP No.28 of 2021, the petitioner came to know about the ex-parte proceedings.

v) The Tribunal, finding that no sufficient cause has been shown by the



petitioner, had dismissed the said application in I.A.No.28 of 2023 by order dated 13.10.2023, against which, the present Civil Revision Petition has been

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3. Pending the civil revision petition, on an earlier occasion i.e., on 20.03.2024, this Court while granting interim stay, had imposed a condition, directing the petitioner to deposit a sum of Rs.3,61,770/- to the credit of MCOP. No.208 of 2000, on the file of the Sub Court, Dharmapuri. When the matter was, thereafter, taken up on 9.8.2024, reporting compliance of the conditional order, it was submitted before this Court that the petitioner is ready for mediation to give a quietus to the issue and thereby the matter was referred to mediation.

4. Today, when the matter is taken up for hearing, learned counsel for both sides would submit that the matter has been settled between the parties and to that effect, a joint memo of compromise dated 8.2.2025 has been filed before this Court, which has been duly signed by the petitioner, respondent and their respective counsel.

5. For proper adjudication, the Joint Memo of Compromise is extracted hereunder:

JOINT COMPROMISE MEMO

It is respectfully submitted that both the Petitioner and the Respondent have mutually entered into the present Joint Compromise Memo as follows:



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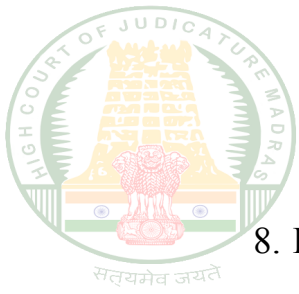


1. It respectfully submitted the Respondent has filed the Claim Petition against the present Petitioner in MCOP No.208 of 2008 for the amount of Rs.3,00,000/- and the exparte order was passed on 24/03/2009 against the Exparte order, the Petitioner herein has filed the Petition to condone the delay in IA No. 28 of 2023 in filing the application to set aside the exparte order but the same was dismissed on 13/10/2023. Aggrieved against the same the Revision Petitioner/Respondent has challenged the order made in IA No.28 of 2023 in MCOP No.208 of 2008 dated 13/10/2023 on the file of the Sub Court, Dharmapuri.

2. It is respectfully submitted that at the time of Admission, the Hon'ble High Court was pleased to grant an order of Stay by an condition to deposit the entire EP amount of Rs.3,61,717/- (**sic for Rs.3,61,770/-**) to the credit of the EP.No.28 of 2021 and the same was complied. It is further submitted that pending Revision, the issue was referred to Mediation on the consent of both the parties (Petitioner and Respondent) to resolve the issue amicably and both the parties have arrived to an amicable settlement that the Respondent/Claimant has accepted to receive the compensation amount of Rs.1,75,000/- along with interest amount of Rs.53,291/- (Interest upto 04.04.2024) totalling to Rs.2,28,291/- as full and final amount and the Respondent/Claimant has agreed that there will not be any claim against the Revision Petitioner before any forum in the the above issue. The remaining interest portion can be withdrawn by the petitioner from the EP Court where the claim amount has been deposited.

6. Heard Mr.V.Ashok Kumar, learned counsel for the petitioner and Mr.O.Raman, learned counsel for the respondent.

7. Referring to the contents of the joint compromise memo, the learned counsel appearing for the respondent/claimant would submit that the respondent/claimant is agreeable to receive a sum of Rs.1,75,000/- along with interest @ 7.5% per annum upto 04.04.2024, which works out to Rs.53,291/-, in total, an amount of Rs.2,28,291/- towards full and final settlement and the respondent has no objection to the petitioner withdrawing the balance amount.



8. It is further submitted by the learned counsel appearing for both sides that the Civil Revision Petition may be disposed of based on the Joint Memo of Compromise.

9. Taking into consideration the submissions made by the learned counsel on either side and recording the said Joint Memo of Compromise, the Civil Revision Petition stands allowed with the following terms:

(i) The respondent/claimant is entitled to withdraw a sum of Rs.2,28,291/- towards full and final settlement and the balance amount of Rs.1,33,479/- shall be returned to the petitioner/Superintendent of Post Office on proper memo/application being filed.

(ii) The Execution Court shall terminate the Execution Petition based on the terms of Joint Memo of Compromise and its compliance.

(iii) There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

10.02.2025

Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
jd/ssk.

To

1. The Principal Sub-Judge,
Dharmapuri.
2. The Superintendent of Post Office,
Dharmapuri Division,
Dharmapuri.



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A.D.JAGADISH CHANDIRA,J.,

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