

C.R.P.(PD)(MD)No.2122 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.2122 of 2022

Minor Deepa
Represented by her Mother
and her next friend,
Annalakshmi.

... Petitioner

Vs.

1.G.Veerapandi
2.Murugnanantham

... Respondents

[2nd respondent set exparte in E.P.No.29/2019 and NBW is pending]

PRAYER: Civil Revision Petition - filed under Article 227 of Constitution of India, to set aside the decreetal and fair order passed by the Sub Court, Ramanathapuram in E.P.No.29 of 2019 dated 29.06.2022 and to modify the above orders for pay and recover on the first respondent by allowing the above Civil Revision Petition.

For Petitioner : Mr.S.Sitharthan
For R1 : Mr.Kaliraj



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ORDER

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This Civil Revision Petition is filed challenging the order passed by the Sub Court, Ramanathapuram in E.P.No.29 of 2019 dated 29.06.2022.

2.The petitioner is the claimant in M.C.O.P.No.949 of 2014. She filed the claim petition alleging that on 26.12.2010 at about 04.00 p.m., the petitioner along with her mother and grandmother standing at Rajakambeeram bus stop. At that time, the vehicle bearing registration No. TN-65-A-4546, which was driven by the first respondent in a rash and negligent manner and dashed against the petitioner, thereby the petitioner sustained injuries. Claiming compensation of Rs.5 lakhs, the petitioner filed a claim petition before the Motor Accident Claims Tribunal. The Tribunal after considering the contentions, awarded a sum of Rs.3.5 lakhs with 7.5% interest directing the first and second respondents to pay compensation to the petitioner. Since the said compensation amount was not paid, the petitioner filed execution petition in E.P.No.29 of 2019 and the execution Court by its order dated 29.06.2022 issued a direction to the first respondent to pay 50% of the

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compensation amount, viz., 1,87,750/- with interest and issued warrant as against the second respondent for payment of balance 50% of the award amount. Challenging the same, the petitioner /claimant has filed the present revision petition.

3.The learned counsel for the petitioner submitted that admittedly, the first respondent is the owner of the vehicle and the second respondent is the driver of the vehicle. The Tribunal award an award stating that 50% of the award amount should be borne by the first respondent and the remaining 50% to be borne by the second respondent. The execution Court directed the petitioner to pay 50% of the award amount and issued warrant as against the second respondent. The petitioner submits that the first respondent being the owner of the vehicle, necessarily has to pay the entire compensation on behalf of the second respondent and thereafter, he he has to recover the same from the second respondent. However, the Tribunal has issued a direction to the first respondent to pay 50% of the award amount and issued warrant as against the second respondent for payment of remaining 50% of the award amount. Accordingly, he prayed for appropriate orders.

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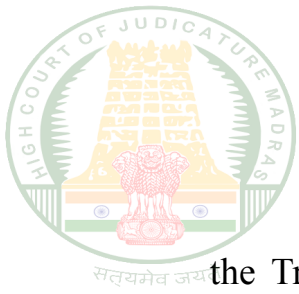
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4.The learned counsel for the first respondent would submit that the first respondent has sold the vehicle to the second respondent. However, the records were not mutated. Therefore, the first respondent was made liable by the Tribunal. He further submit that during the pendency of the Civil Revision Petition, the petitioner received a sum of Rs.2 lakhs as lump-sum compensation from the first respondent. Thereby, the execution petition was terminated on 21.07.2023 as against the first respondent granting liberty to the petitioner to file a separate execution petition as against the second respondent.

5.Considered the rival submissions made on either side and perused the materials placed on record.

6.The facts in the present case are not in dispute. The claim petition filed by the petitioner was ordered directing the first and second respondents to pay the compensation equally to the petitioner. Though the first respondent claims that he has sold the vehicle to the second respondent, he has not produced any proof to prove such sale. Even in



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the Transport records, no mutations were effected with regard to such sale. Therefore, the Tribunal proceeded to issue the direction to the first and second respondents to equally pay the compensation to the petitioner.

7.It is brought to the notice of this Court that during the pendency of the Civil Revision Petition, the first respondent has paid 60% of the award amount on 16.03.2023. Thereby, the execution proceedings as against the first respondent was terminated on 21.07.2023 granting liberty to the petitioner to file a fresh execution petition as against the second respondent.

8.Accordingly, the present Civil Revision petition is dismissed with liberty to the petitioner to initiate fresh execution proceedings as against the second respondent. No costs.

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NCC : Yes/No
Internet : Yes / No
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To

- 1.The Sub Court, Ramanathapuram.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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