

CRP(MD). No.2300 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 12/08/2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

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1. Savarimuthu (Died)
2. Soosaiammal,
3. S.Albert Sekar,
4. Glori,
5. Sengole,
6. Leo Francis Xavier,
7. Alangara Philomi,
8. Josephine Navamani

... Petitioners

Vs

1. The State of Tamilnadu,
Represented by District Collector,
Virudhunagar District..

2. The Superintending Engineer,
National Highways Department, Tirunelveli..

3. The Divisional Engineer,
National Highways Department,
Virudhunagar..

4. D Cruz

... Respondents



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PRAYER :- Civil Revision Petition filed under Section 115 of Civil Procedure Code, against the impugned fair and decreetal order dated 18-08-2022 made in E.P.No.6 of 2022 in O.S.No.2 of 2005 on the file of Additional District Court, Virudhunagar.

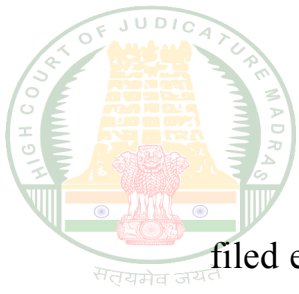
For Petitioner : Mr.S.Srinivasa Raghavan

For Respondents : Mr.R.Baskaran for R1 to R3
Additional Advocate General
assisted by Mr.B.Saravanan
Additional Government Pleader

ORDER

This Civil Revision Petition is filed against impugned fair and decreetal order dated 18-08-2022 made in E.P.No.6 of 2022 in O.S.No.2 of 2005 on the file of Additional District Court, Virudhunagar.

2. The petitioners are the plaintiffs in OS No.2 of 2005. The said suit was filed for declaration declaring that the order dated 16.12.1999 passed by the 3rd defendant/3rd respondent is illegal and void and direct the defendants to pay a sum of Rs.3,30,40,000/- with subsequent interest at 15% p.a. from the date of the suit till the date of payment. The said suit was decreed in favour of the plaintiffs and therefore, the plaintiffs



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filed execution petition in EP No.6/2022 and the said petition came to be allowed. However, it is the case of the petitioners that the calculation has not been properly done and hence, they are before this Court with this petition.

3. The learned counsel for the petitioners would submit that admittedly in the suit, a decree was passed, which was also confirmed by the lower appellate Court in AS No.141/2007 and the cross appeal filed by the Government was partly allowed. Against the said judgment and decree, the petitioners preferred SLP and the Apex Court has remanded back the matter to this Court and this Court enhanced the amount to the tune of Rs.1,22,97,686/- along with 9% interest for the default period from the date of plaint till the realization and in the year 2022, the amount would be arrived at Rs.3,60,79,250/-. However, the trial Court ordered for nearly Rs.2,35,02,208/- after deducting the amount already paid. Accordingly, he prays for allowing the revision petition.

4. Per contra, the learned Additional Advocate General appearing for the respondents would submit that the decree amount Rs.87,01,200/-.



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was enhanced by this Court to Rs.1,22,97,686/- on 13.09.2022 and the respondents have to pay Rs.87,10,200/- and the interest at 9% from 13.09.2022 till 23.10.2008 is only Rs.67,63,727/- and since the plaintiffs filed the suit as indigent persons, the Court fee has not been paid and the after deducting the Court fee payable, as per the calculation, the enhanced amount is only Rs.1,22,97,686/- with interest at 9% from 13.09.2022 till 23.10.2008 is Rs.67,63,727/-, ie., total Rs.1,90,61,413/- in which already on 23.10.2008, Rs.68,43,000/- was deposited and after deducting the said amount, the total balance amount Rs.1,22,18,413/- Again, the interest for the said amount from 24.10.2008 till 10.08.2022 is Rs.1,12,83,797/-. The respondents already deposited Rs.2,41,59,685/- on 02.08.2023 by calculating the interest for the principal amount. Accordingly, he prayed for dismissal.

5. It is seen that the third respondent has already deposited the enhanced amount with interest as arrived at by this Court vide judgment dated 13.09.2022. When the respondents have already deposited the enhanced amount along with interest, no prejudice would be caused to the petitioners. In view of the aforesaid submissions as the amount



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arrived at by the trial Court and this Court have already been deposited along with interest and since no error is found in the order of the trial Court in the execution proceedings, the Civil Revision Petition is dismissed. Since the amount has already been deposited by the respondents before the trial Court, if any attachment is made against the respondents, the trial Court is directed to raise the said attachment. No costs. Consequently connected Miscellaneous Petition is closed.

12.08.2025

NCC : Yes/No
Index : Yes/No
RR

TO

- 1.The Additional District Court, Virudhunagar.
2. The District Collector,
Virudhunagar District..
3. The Superintending Engineer,
National Highways Department, Tirunelveli..
4. The Divisional Engineer,
National Highways Department,
Virudhunagar.
- 5.VR Section
Madurai Bench of Madras High Court, Madurai.

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M.DHANDAPANI,J

RR

**ORDER
IN
CRP(MD) No.2300 of 2022**

Date : 12/08/2025