



WEB COPY

CRP No. 5987 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MRS.JUSTICE N. MALA

CRP No. 5987 of 2025

AND

CMP NO. 29667 OF 2025

1. M.Subramani
S/o. Mangagounder, 2/87, Sellappa Nagar, Steel
Plant Factory Road, Maramangalathupatty,
Salem - 636030
2. S.Jayaprakash
S/o.Subramani, 2/87, M.S.Maligai Opp. to
Chellappa Nagar, Periya Poosalipur,
Maramangalathupatty Salem 636 030.

..Petitioner(s)

Vs

1. Pavayee
W/O. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
2. Vasanthi
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
3. Senbagam
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
4. Prabhu
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
5. Deepa
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
6. Dineshkumar
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.



7. Chinnathayammal
W/o.Nalathambi, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.

..Respondent(s)

CMP No. 29667 of 2025

1. M.Subramani
S/o.Mangagounder, 2/87, Sellappa Nagar, Steel
Plant Factory Road, Maramangalathupatty,
Salem 636 030
2. S.Jayaprakash
S/o.Subramani, 2/87, M.S.Maligai Opp. to
Chellappa Nagar, Periya Poosaliyur,
Maramangalathupatty Salem 636 030.

..Appellant(s)

Vs

1. Pavayee
W/O. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
2. Vasanthi
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
3. Senbagam
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
4. Prabhu
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
5. Deepa
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
6. Dineshkumar
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.



7. Chinnathayammal
W/o.Nalathambi, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.

WEB COPY

..Respondent(s)

CRP No. 5987 of 2025

To set aside the fair and decretal order dated 29.10.2025 in EA.No.5/2025 in EP.No.24/2023 in MCOP.No. 272/2017 on the file of the Court of Special District Judge to deal with MCOP Cases, Salem and consequently allow the EA.No.5/2025 in EP.No.24/2023 in MCOP.NO. 272/2017 as prayed for and pass such further or other orders as may be deemed fit and proper in the circumstances of the case.

CMP No. 29667 of 2025

To stay all further proceedings in REP.No.24/2023 on the file of the Special District Court to deal with MCOP Cases, Salem.

CRP No. 5987 of 2025

For Petitioner(s):	T.Saikrishnan I.Inian G.Lavanya M.Velan Yeshwanth Sharma.P
For Respondent(s):	M.R.Thangavel R.Mekala C.Anbu S.Balaguru For R1 To R7 Pvt. Notice ----- Rr 1 To 7 - Served On 27.11.2025



Order

(1) The petitioner has filed the above Civil Revision Petition, challenging the fair and decreetal order dated 29.10.2025, made in EA.No.5/2025 in EP.No.24/2023 in MCOP.No.272/2017 on the file of the Court of the Special District Judge, dealing with MCOP Cses, Salem and consequently, to allow EA.No.5/2025 in EP.No.24/2023 in MCOP.No.272/2017 as prayed for.

(2) Earlier, the respondents filed MCOP.No.272/2017, on the file of the Motor Accident Claims Tribunal, Salem, claiming compensation for the death of the husband of the 1st respondent, in a motor accident which took place on 07.07.2016. On contest, the Tribunal allowed the Claim Petition on 24.01.2019, by granting compensation of Rs.17,12,160/- along with interest @ 7.2% per annum. The petitioners did not prefer any appeal against the Award of the Tribunal in the said MCOP.No.272/2017 and hence, the same attained finality. The respondents filed an execution petition in REP.No.24/2023, seeking execution of the decree dated 24.01.2019, passed in MCOP.No.272/2017. In the execution proceedings, the petitioners filed EA.No.5/2025, to set aside the exparte order dated 04.10.2024 in REP.No.24/2023. The said petition was dismissed by the impugned order dated 29.10.2025. Aggrieved by the same, the petitioners have filed the above CRP for the aforesaid prayer.



WEB COPY

- (3) The learned counsel for the petitioners submitted that the Execution Court failed to appreciate in proper perspective, the cause shown by the petitioners for their non appearance in the execution proceedings. The learned counsel further submitted that the Execution Court failed to note that the petitioners had no funds in their hands and only to eke out their livelihood, they had migrated to Andhra Pradesh in search of work in a stone quarry on daily wage basis. The learned counsel submitted that in any event, the Execution Court ought to have adopted a liberal approach rather than a rigid approach while considering the application to set aside the exparte order. The learned counsel therefore prayed that the impugned order dated 29.10.2025, deserved to be set aside.
- (4) Heard Mr.M.R.Thangavel, learned counsel appearing for the respondents 1 to 7 and perused the materials placed on record.
- (5) From the materials on record, it is seen that service of summons in the DP is not denied, however, the reasons cited by the petitioners for their absence was that they had gone in search of work to Andhra Pradesh. The petitioners stated that due to health issues, they had to return to their native place and only on return, they came to know of the exparte order passed against them in the execution proceedings. The petitioners further contended that a liberal and justice oriented approach ought to have been adopted by the Executing Court, while exercising its power to set aside the exparte order.



(6) It is seen from the order of the Executing Court that the judgment in MCOP.No.272/2017, was passed as early as on 24.01.2019. The Executing Court found that though the petitioners claimed to have no funds to pay the compensation amount, they purchased property in the name of the wife of the 1st petitioner under Doc.No.7328/2023. The Executing Court therefore found that the reasons cited by the petitioners that they had no funds and had gone to Andhra Pradesh for eking out their livelihood, was unbelievable. Under the circumstances, the Executing Court found that only to evade payment of compensation and to drag on the execution proceedings, the petitioners had filed the petition.

(7) This Court finds from the materials on record that the respondents were granted compensation of Rs.17,12,160/- in MCOP.No.272/2017 on 24.01.2019. Even though six years lapsed since the grant of compensation, the respondents have not seen the colour of the coin. The respondents left with no other option filed the Execution Proceedings. The respondents in the EP, to establish that the petitioners had sufficient funds and were wantonly evading payment, filed photographs of the petitioners' house and the provision shop under Ex.R1 and the Sale Deeds executed in favour of the wife of the 1st petitioner under Exs.R2 to R4, in Doc.Nos.7328/2023, 3377/2017 and 1081/2017. From the aforesaid documents, it can be inferred that the petitioners' contention that they had no means, is a totally false statement, made with an intention of evading



payment. The learned counsel for the petitioners submitted that the petitioners had filed insolvency petition and that the same was numbered.

However, the learned counsel has not produced any material to substantiate his claim that the insolvency petition was filed. This Court, therefore finds absolutely no infirmity or illegality in the order of the Executing Court.

(8) For all the above reasons, this Court finds no merit in the Civil Revision Petition and hence, the same is **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

09-03-2026

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

AP

CRP No. 5987 of 2025

To

1. Pavayee
W/O. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
2. Vasanthi
D/o. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
3. Senbagam
D/o. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
4. Prabhu
S/o. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.



5. Deepa
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.

6. Dineshkumar
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.

7. Chinnathayammal
W/o.Nalathambi, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.

CMP No. 29667 of 2025

To

1. Pavayee
W/O. Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
2. Vasanthi
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
3. Senbagam
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
4. Prabhu
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
5. Deepa
D/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
6. Dineshkumar
S/o.Shanmugam, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.
7. Chinnathayammal
W/o.Nalathambi, 234/12/1, Majra Kollapatty,
Erangkadu, Salem District - 636030.



WEB COPY

CRP No. 5987 of 2



N.MALA J.

AP

**CRP No. 5987 of 2025
AND
CMP NO. 29667 OF 2025**

09-03-2026