

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, DINDIGUL

**Present : Tmt. A. Muthusaratha, B.L., P.G.D.P.M.,
Principal District Judge, Dindigul.**

Friday, the 17th day of October 2025

E.P.No. 265/2023 in M.C.O.P.No.89/2020

1. Valarmathi
2. Minor. Kasthuri
3. Minor. Kavinya
4. Mariyammal
5. Ellaan

(Minor 2nd and 3rd petitioners through their mother and Natural Guardian the 1st petitioner Valarmathi)

.. Petitioners/ Petitioners

/vs /

The General Manager,
TNSTC, Dindigul

.. Respondent/Respondent

This petition came up before me on 17.4.2025 for final hearing in the presence of Thiru. R. Palanichamy Advocate for the petitioners and of Thiru. N. Kumaresan Advocate for the respondent and upon hearing the arguments on both side, on perusal of records and having stood over till this day for consideration, this court passed the following:

O R D E R

This petition is filed under Order 21 rule 43 and 66 of C.P.C. seeking orders to attach and sale of petition mentioned movable property of Judgement debtor for realizing the E.P. claim amount.

2) **The petitioner's case in short is as follows:-**

The petitioners have filed a claim petition in MACOP No.89/2020 for the accident occurred on 21.8.2018 at about 9.05 p.m., from Palani to Oddanchathram Road and awarded a sum of Rs.17,12,800/- with interest and cost against the respondent on 20.4.2023 by this Court. The respondent has sufficient income to deposit the compensation amount, but the respondent was not deposited the said amount into the Court as per order. As per order dated 20.4.2023, the petitioners claimed the award amount with interest and cost in total Rs.19,37,798/- by attach and sale of the petition mentioned property under Order 21 Rule 11 CPC.

3) **The averments of the counter filed by the respondent in a brief :-**

The vehicle belongs to the TamilNadu State Transport Service. The Hon'ble Tribunal has passed an award on 20.4.2023 Rs.17,12,800/-. Due to nonpayment of the award amount it becomes very difficult to arrange an immediate replacement and amount refund to public. The delay in depositing amount is not wanton or negligence on part of this respondent but only due to above mentioned genuine reasons. Hence the petition may be dismissed.

4) On the averments of the petition and counter, point for consideration is whether petition has to be allowed ?

5) On both side no evidences adduced and documents marked. Both side heard.

6) **Answer to the point :-**

The petitioners' counsel argued that the petitioners have filed a claim petition in MACOP No.89/2020 for the accident occurred on 21.8.2018 at about 9.05 p.m., from Palani to Oddanchathram Road and awarded a sum of Rs.17,12,800/- with interest and cost against the respondent on 20.4.2023 by this Court, but the respondent was not deposited the compensation amount into court as per order, therefore this execution petition is filed by the petitioners against the respondent for attach and sale of the petition mentioned property for realisation of award amount.

7) The counsel for the respondent argued that the Hon'ble Tribunal has passed an award on 20.4.2023 Rs.17,12,800/-, due to nonpayment of the award amount it becomes very difficult to arrange an immediate replacement and amount refund to public and hence the petition may be dismissed.

8) On perusal records, the claim petition in MACOP No.89/2020 for the accident occurred on 21.8.2018 at about 9.05 p.m., from Palani to Oddanchathram Road and awarded a sum of Rs.17,12,800/- with interest and cost against the respondent on 20.4.2023 by this Court. But, the respondent did not make any payment till this day even after the award passed on 20.4.2023 and the fruits of the award are not yet reached to the petitioners for the past two year. While so, the accident occurred during the year 2018. The respondent did not prefer any appeal against the award passed in MACOP No.89/2020 dated 20.4.2023 till this date. Considering the facts and circumstances of the case, the respondent is liable to pay the compensation amount to the petitioners without any further delay. To that effect,

the petition mentioned movable property belonging to the respondent is ordered to be attached and proceeded for sale as prayed for by the petitioners and answered to this issue accordingly.

In the result, the petition is allowed and the petition mentioned movable property belonging to the respondent is ordered to be attached. Attach by 27.11.2025. Batta in a week.

Dictated directly to the Stenographer and computerized by her, corrected and pronounced by me in open Court, on this the 17th day of October 2025.

**Principal District Judge
Dindigul.**

Witnesses and documents on both sides : NIL

**P.D.J.,
Dindigul**

Principal District Court
Dindigul

E.P.No.265/2023 in MACOP.
89/2020
DD 17.10.2025
O R D E R