

Before the Motor Accident Claims Tribunal, Ramanathapuram.

(Chief Judicial Magistrate Court, Ramanathapuram.)

Present : Thiru.J.Jeya Suthahar, M.Sc., L.L.M.,

Motor Accident Claims Tribunal Authority, Ramanathapuram

(Chief Judicial Magistrate, Ramanathapuram.)

Friday the 13th day of March 2026

E.P.No.11/2025

in

M.C.O.P. No.03/2020

Saleem

...Petitioner/Petitioner

//Vs//

The Branch Manager,
The New India Assurance Co.,Ltd.,
Salai Street,
Ramanathapuram.

... Respondent/3rd Respondent

This petition came before me for final hearing on 06.03.2026 in the presence of Mr.R.Babu, Learned counsel for the petitioner and Mr.P.Venkatesan, Learned counsel for the respondent and upon hearing the arguements on both side and upon perusal of records and having stood over for consideration till this day this court doth delivers the following;

ORDER

This petition is filed by the petitioner under Order 21 Rule 11 CPC for execution of the award passed in the above case dated 03.12.2024 by attachment and

sale of the movable properties belonging to the respondent to realize the decree the amount.

2. The averments in the petition in brief as follows :

The petitioner has obtained award in the above case on 03.12.2024 directing the respondent to pay a sum of Rs.21,86,490/- with interest and costs. As per the award, the amount due to the petitioner from the respondent is Rs.30,75,365/-. Since the respondent did not come forward to pay the amount as per the award to the petitioner, the petitioner has filed this petition to realize the decree amount by attachment and sale of the movable properties belonging to the respondent.

3. The averments in the counter statement of the respondent in brief :-

The petition is not maintainable either in law or on facts. The calculation mentioned in the E.P petition is not correct. This respondent has preferred CMA before the Hon'ble High Court against the award passed by this court. The petitioner himself was tortfeasor. He can't claim compensation for his own fault. Also the quantum awarded by this court is very exaggerated. At the time of accident the age of the petitioner is 60 and above. Disability arrived by the Medical Board is 10% and there is no permanent disability. Hence this respondent preferred appeal against the liability and quantum. The CMA will be listed soon before the Hon'ble High Court. Hence the E.P may be dismissed with liberty to reopen if necessary. The property mentioned in the E.P petition is also not correct. The value fixed for the property is also not correct. Hence this execution petition is liable to be dismissed.

4. Both side no oral and documentary evidence was adduced in this petition.

5. The point for decision in this petition is whether this petition deserves to be allowed or not ?

6. Point :

According to the petitioner, the respondent did not come forward to pay the amount as per the award to the petitioner and that hence the petitioner has filed this petition to execute the award to realize the decree amount by attachment and sale of the movable properties described in the schedule to the petition which are belonging to the respondent. The respondent has not denied their liability. But according to the respondent, they have preferred appeal before the Hon'ble Madurai Bench of Madras High Court and that hence the petition may be dismissed with liberty to reopen the same if necessary.

7. On perusal of records it is seen that the respondent preferred appeal before the Hon'ble Madurai Bench of Madras High Court against the award passed by this court along with a petition to condone the delay of 135 days in filing the above appeal and the respondent had deposited a sum of Rs.14,73,869/- on 27.10.2025 as per the order of the Hon'ble Madurai Bench of Madras High Court in CMP(MD)No.14292 of 2025 in CMA(MD) SR No.71786 of 2025 dated 16.10.2025. Hence it is seen that appeal is pending before the Hon'ble Madurai Bench of Madras High Court regarding this matter. Hence considering the above facts and circumstances of this case and in the interest of justice this court is of the view that this petition may be dismissed granting liberty to the petitioner to file similar fresh

petition subject to the result of the CMA pending before the Hon'ble Madurai Bench of Madras High Court.

8. In the result, the petition is dismissed granting liberty to the petitioner to file similar fresh petition subject to the result of the CMA pending before the Hon'ble Madurai Bench of Madras High Court. No costs.

Dictated to the Steno-Typist directly and typed and printed by her, and corrected and pronounced by me in the open Court, on this the 13th day of March 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Petitioner side Witnesses and documents: Nil.

Respondents side witnesses and documents : Nil.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Chief Judicial Magistrate Court,
Ramanathapuram.
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Order
Date: 13.03.2026