

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
THENI.**

**Present: Thiru. C.SANKAR, B.A. M.L. PGDCFS.,
Additional District Judge [FTC],
Full Additional Charge,
Theni.**

Thursday, the 27th day of November 2025.

CNR.No.TNTH01 000489 2025

EP.No.6/2025

- in -

MCOP.No.219/2015.

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1). S.Malarkodi.

2). S.Gubendra Pandian

**... Petitioners/
petitioners**

// Vs. //

**The Managing Director,
Tamil Nadu State Transport Corporation Limited.,
Gumbakonam Limited, Gumbakonam,
Karikudi Mandalam.**

**... Respondent/
respondent**

This petition came up for final hearing before this Court on 06.11.2025, in the presence of Mr.K.Muthuvel, Learned Counsel for the petitioners/petitioners and the respondent/respondent is remained exparte and upon perusing the Petition and

Documents and upon hearing the petitioners/petitioners side and having stood over for consideration till this day, this Court delivered the following.....

ORDER

This petition is filed by the petitioners/petitioners under Order 21, Rule 43 of CPC to recover the amount of Rs.14,27,843/- by confiscating and auctioning the Properties of the respondent/ respondent.

Averments made in the petition is filed by the petitioners/petitioners in brief is as follows:

2). The petitioners are the petitioners in the Motor Accident Claim Original Petition. The petition has been filed to recover compensation from the respondents for the death of Udayakumar on 29.05.2015 in a motor vehicle accident. In it, the petitioners have obtained an Award dated 30.10.2018 that, they are liable to pay amount of Rs.25,00,000/- as compensation from the respondent Tamil Nadu State Transport Corporation Limited. In this case, the respondent has not paid any amount to the petitioners. The compensation amount of Rs.24,03,000/-, along with 7.5% interest and legal costs, and Rs.54,462.50/- should be refunded to the petitioners/petitioners by the respondent/ respondent in this petition. Thereafter, the respondent filed an appeal in C.M.A(M.D) NO.771 of 2019 and C.M.P(MD) NO.9959 of 2019 against the order of MCOP NO.219/2015 and the above cases were disposed of and order delivered on 13.06.2024. Therefore, this petition has been filed to recover the compensation amount by confiscating and auctioning the properties of the respondent. Hence, this petition has to be allowed.

3). The respondent/ respondent is remained exparte. No Documents or Oral Evidences let by the petitioners/petitioners.

4). Point for determination:

1. Whether the petition can be allowed ?

Point No.1.

5). The Learned Counsel for the Petitioner side argued that, the petitioners are the petitioners in the Motor Accident Claim Original Petition. The petition has been filed to recover compensation from the respondents for the death of Udayakumar on 29.05.2015 in a motor vehicle accident. In it, the petitioners have obtained an Award dated 30.10.2018 that, they are liable to pay amount of Rs.25,00,000/- as compensation from the respondent Tamil Nadu State Transport Corporation Limited. In this case, the respondent has not paid any amount to the petitioners. The compensation amount of Rs.24,03,000/-, along with 7.5% interest and legal costs, and Rs.54,462.50/- should be refunded to the petitioners/petitioners by the respondent/ respondent in this petition. Thereafter, the respondent filed an appeal in C.M.A(M.D) NO.771 of 2019 and C.M.P(MD) NO.9959 of 2019 against the order of MCOP NO.219/2015 and the above cases were disposed of and order delivered on 13.06.2024. Therefore, this petition has been filed to recover the compensation amount by confiscating and auctioning the properties of the respondent. Hence, this petition has to be allowed.

6). **Heard the petitioners side. Perusal of records.** The petitioners are the petitioners in the Motor Accident Claim Original Petition. The said petitioners have filed the Motor Accident Claim Original Petition under Section 140, 141, 142, 163 B, 166, 182 of Motor Vehicle Act r/w. Rule 3(1) TNMACT rule seeking compensation for the death of Udayakumar, who died in a motor vehicle accident on 29.05.2015. In this

circumstances, this Court has passed an Award dated 30.10.2018 directing the respondent Tamil Nadu State Transport Corporation to pay the petitioners/petitioners a compensation amount of Rs.24,03,000/- along with costs at the current rate with interest at 7.5% from the date of filing the petition till the date of full recovery of the amount. Thereafter, the respondent filed an appeal in C.M.A(M.D) NO.771 of 2019 and C.M.P(MD) NO.9959 of 2019 against the order of MCOP NO.219/2015 and the above cases were disposed of and order delivered on 13.06.2024. However, the petitioners/petitioners have claimed Rs.24,03,000/- at 7.5% from 06.08.2015 to 25.12.2019 on the compensation amount of Rs.7,90,525/- in the Motor Accident Claim Petition and Rs.54,6420/- as expenses in the original compensation petition and totalling amount of Rs.32,47,987/-. In this case, the respondent has paid Rs.22,16,441/- in this court on 26.12.2019. The outstanding amount of Rs.10,31,546/- has not been paid. Therefore, the respondent is liable to pay Rs.3,93,277/-, interest at 7.5% per annum from 26.12.2019 to 26.01.2025 on the outstanding amount of Rs.10,31,546/-, costs of this application Rs.20/- and lawyer's fees Rs.3,000/-, totally Rs.14,27,843/-. In the original compensation petition itself, the respondent has decided that, it is liable to pay compensation to the petitioners. In compliance with that, this petition has been filed by the petitioners. In their petition, the petitioners have stated that, the value of the TNSTC Bus.

7). Therefore, the respondent is remained exparte. If this petition of the petitioners is dismissed, it will be impossible for the petitioners to collect their compensation amount from the respondent/respondent. Further, as stated in the petitioners petition, the respondent/respondent has not paid the Award amount even after several years of the Award. No documents have been filed by the respondent/respondent after the Award. Furthermore, no documents have been filed by the respondent/respondent denying the allegations made by the petitioners. Therefore, this

Court holds that, the petitioners are entitled to attach and auction the Petition Mentioned Property in TNSTC Bus is given to the respondent/respondent and collect the claim amount from them, as requested by the petitioners/petitioners.

8). In the result this, Petitioners' Petition is Allowed without costs. The Petition Mentioned Property in TNSTC Bus is ordered to be attached and auctioned. Batta in three days. Attach by 02.01.2026.

Dictated by me directly typed by Stenographer into computer, corrected and pronounced by me in the open Court, this the **27th day of November, 2025.**

**Additional District Judge,
(Full Additional Charge)
Theni.**

Petitioners/petitioners side Witnesses Nil.

and Documents:

Respondent/ respondent side Witnesses Nil.

and Documents:

**Additional District Judge,
(Full Additional Charge)
Theni.**

Fair: Order.

EP.No.6/2025

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MCOP.No.219/2015

**ADJ[FAC],
ADC[FTC],
THENI**

Dated.27.11.2025

