

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY
C.R.P.No.3984 of 2007

ORDER:

This revision is filed challenging the orders dated 20.07.1998 in I.A.No.1080 of 1997 in O.P.No.131 of 1991 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge at Ongole.

2. Heard both counsel.

3. A perusal of the record reveals that the petitioner herein filed O.P.No.131 of 1991 claiming compensation and the same was dismissed for default on 20.12.1994. The petitioner filed I.A.No.1080 of 1997 for condonation of delay in filing the petition to set aside the default order dated 20.12.1994 and the same was dismissed on 20.07.1998. Aggrieved by the same, the petitioner herein preferred appeal in CMA No.2530 of 1998 on the file of this Court; however, the same was dismissed on 07.11.2006 on the ground that the remedy available to the petitioner is to file a revision under Article 227 of Constitution of India. After dismissal of the said CMA, the present revision is filed. Unfortunately, the O.P is pending for the last 17 years for the fault of the petitioner only.

4. Learned counsel for the second respondent strenuously submitted that if the petition is allowed unconditionally, the insurance company has to pay interest for all these years.

5. The very purpose of the Motor Vehicles Act is to provide financial assistance to the victims of the road accidents. That does not mean that the Court has to simply ignore the laches on the part of the claimants and allow the petition without considering the hardship likely to be caused to the insurance companies. If this petition is dismissed, it may not be possible for the petitioner to ventilate his legitimate grievances. If the petition is allowed unconditionally, the insurance

company i.e., 2nd respondent has to pay interest to the petitioner for a period of 17 years for no fault of it. During pendency of this revision, the first respondent died and this Court ordered notice to the Legal Representatives of deceased-1st respondent on 08.07.2014. Even though notice has been issued by way of substitute service, none appeared on behalf of 1st respondent.

6. Taking into consideration the plight of the petitioner, I am inclined to allow this petition on condition that the petitioner is not entitled for interest in O.P.No.131 of 1991. However, the petitioner is entitled for interest as awarded by the tribunal from the date of the order only.

7. In the result, this Civil Revision Petition is allowed by setting aside the order dated 20.07.1998 passed in I.A.No.1080 of 1997 in O.P.No.131 of 1991. Consequently, O.P.No.131 of 1991 is restored to its file. The petitioner/claimant is not entitled for interest from the date of filing of the petition till the date of this order. However, the petitioner is entitled for interest as awarded by the tribunal from the date of this order, in case, the petitioner succeeds in the O.P. No costs. Miscellaneous petitions, if any pending, in this petition shall stand closed.

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T.SUNIL CHOWDARY, J.

Date: 20.07.2015.

Gv/