

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.108 of 2015
and M.P.No.1 of 2015

The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Ltd., Dharmapuri Region.

... Petitioner

Vs.

1.Anwar

2.Piyari

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 12.06.2014 made in unnumbered I.A. in M.C.O.P.No.303 of 2013 on the file of the Motor Accidents Claims Tribunal, District Judge, Special Court for Motor Accidents Claims Cases, Krishnagiri.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.Mukund R.Pandiyar

ORDER

The Transport Corporation has filed the above Civil Revision Petition challenging the return made by the Motor Accidents Claims Tribunal in the un-numbered application in I.A.No. of 2014 dated 12.06.2014 in M.C.O.P.No.303 of 2013 on the file of the Motor Accidents Claims Tribunal, District Judge, Special Court for Motor Accidents Claims Cases, Krishnagiri.

2.The respondents filed M.C.O.P.No.303 of 2013 claiming a compensation of Rs.7,00,000/- for the death of one Asif in a road accident, which took place on 11.09.2010. Since the Transport Corporation did not appear before the Tribunal, the Motor Accidents Claims Tribunal partly allowed the M.C.O.P. by awarding a sum of Rs.9,52,400/- together with interest. Subsequently, the Transport Corporation filed an application under Order 9 Rule 13 of the Civil Procedure Code to set aside the exparte decree passed on 30.04.2013.

3.It is pertinent to note that the application was filed before the Tribunal in the year 2014, that too, without a petition to condone the delay for filing the petition. In view of the same, the Tribunal had returned the papers for compliance. It is brought to the notice of this Court that the Transport Corporation has not made any submissions before the Tribunal with regard to the maintainability of the petition. In view of the same, the Transport Corporation is given liberty to make their submissions with regard to maintainability of the application before the Motor Accidents Claims Tribunal, Special Court for Motor Accidents Claims cases, Krishnagiri within a period of two weeks from the date of receipt of a copy of this order.

After hearing the submissions of the learned counsel for the Transport Corporation, the Tribunal shall decide the application as to maintainability of the same on merits and in accordance with law.

4. With this observation, the Civil Revision Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No

11.01.2016

Internet : Yes

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Note: 1) The Registry is directed to return the original affidavit and petition filed by the Transport Corporation to the counsel for the petitioner.

2) Issue order copy on 12.01.2016.

To

The Motor Accidents Claims Tribunal,
District Judge,
Special Court for Motor Accidents Claims Cases,
Krishnagiri.

M.DURAIWAMY,J.
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