

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2016

CORAM

THE HONOURABLE THIRU JUSTICE **M. DURAISWAMY**

C.R.P.(NPD)No.1846 of 2015

Karthick

... Petitioner

VS

1. Thangavel
2. Royal Sundaram Alliance Insurance Company Limited,
4A, 4th Floor, Thirumala Towers,

723, Avinashi Road,
Coimbatore – 641 018

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the fair and decreetal order passed in I.A.No.2032/2014 in Unnumbered M.C.O.P No.../2014 dated 11.02.2015 on the file of the Subordinate Judge, Sankari

For Petitioner : Mr.R. Marudhachalamurthy

For 1st Respondent : No appearance

For 2nd respondent : Mr.N. Vijayaraghavan

ORDER

Challenging the fair and final order passed in I.A.2032/2014 in Unnumbered M.C.O.P No.../2014 dated 11.02.2015 on the file of the

Subordinate Court, Sankari, the claimant has filed the above Civil Revision Petition.

2. Though notices were served on the first respondent and his name has been printed in the cause list, none appeared for the first respondent.

3. The claimant filed an unnumbered Motor Accident Claim Original Petition, claiming compensation, for the injuries sustained by him. The papers were returned by the Registry of the Subordinate Court, Sankari and the claimant represented the papers, after a delay of 504 days. Hence, the claimant filed an application in I.A.No.2032/2014 to condone the delay of 504 days in representing the papers.

4. In the affidavit, filed in support of the petition, the claimant had stated that the papers were returned by the Registry on 30.04.2013, however, the papers could not be represented in time for the reason that the papers got mixed up with the other papers in his Advocate's Office. Hence the papers were represented after tracing the same with a delay of 504 days.

5. Before the Motor Accidents Claims Tribunal, the second respondent made a representation that the petition can be allowed, however, the claimant should not be granted interest for the period of 504 days. In spite of the representation made by the learned counsel appearing for the Insurance Company, the Motor Accidents Claims Tribunal dismissed the application, finding that the petitioner has not explained the reasons for the delay.

6. Since the claimant had stated that the papers got mixed up with some other papers in his Advocate's Office, I am of the view that in the interest of justice, the Motor Accidents Claims Tribunal could have condoned the delay.

7. The learned counsel appearing for the second respondent in this Civil Revision Petition also submitted that the delay can be condoned, however, the respondents may not be directed to pay interest for the period of 504 days.

8. In view of the submissions made by the learned counsel on either side, the fair and decretal order passed in I.A.No.2032/2014

M. DURAISWAMY,J.,

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are set aside. The application in I.A.No.2032/2014 stands allowed. However, it is made clear that the respondents are not liable to pay interest for the period of 504 days. With these observations, the Civil Revision Petition is allowed. The Subordinate Judge, Sankari is directed to number the Motor Accidents Claims Original Petition and dispose of the same, on merits and in accordance with law, as expeditiously as possible. No costs.

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Index:no
website:yes
To

The Subordinate Court, Sankari

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