

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.4928 of 2014 &

M.P.No.1 of 2014

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

... Petitioner

v.

1.Yesodha
2.Minor Elavarasi
3.Minor Sindhu
4.Sevathappan
5.Lakshmi

Minors Rep. By their N.F. And mother
Yesodha

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order passed in unnumbered I.A. dated 12.06.2014 in M.C.O.P.No.355/2013 by the learned Motor Accident Claims Tribunal, Krishnagiri, District Judge, Special Court for Motor Accident Claims cases, Krishnagiri.

For Petitioner : Mr.P.Paramasivadoss

For Respondents : Mr.Mukund R.Pandiyan

O R D E R

The Transport Corporation has filed the above Civil Revision Petition to set aside the order passed in unnumbered I.A. ... of 2014, dated 12.06.2014 in M.C.O.P.No.355 of 2013 on the file of Motor Accidents Claims Tribunal, Krishnagiri, District Judge, Special Court for Motor Accident Claims Cases, Krishnagiri.

3. Since the revision petitioner-Transport Corporation remained absent before the Tribunal, the Tribunal set them ex-parte and passed an award on 26.07.2013. Thereafter, the revision petitioner filed an application to set aside the ex-parte decree passed on 26.07.2013. The said application was filed on 6.6.2014.

4. Even without filing an application under section 5 of the Limitation Act, the Transport Corporation has filed the application under Order 9, Rule 13 of CPC to set aside the award dated 26.07.2013. Hence, the Tribunal raised a query with regard to maintainability of the application.

5. Without filing an application to condone the delay in filing the application to set aside the ex-parte award, the Transport Corporation has filed the present application under Order 9, Rule 13 of CPC. Therefore, in order to give an opportunity to the Transport Corporation to advance their arguments with regard to maintainability of the application, I give liberty to the petitioner-Transport Corporation to advance their arguments before the District Judge, Special Court for Motor Accident Claims Cases, Krishnagiri, within a period of two weeks from the date of receipt of a copy of this order.

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

07.01.2016

Index : No
Internet : Yes

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

Rj

To
Motor Accident Claims Tribunal,
Krishnagiri,
District Judge,
Special Court for Motor Accident Claims Cases,
Krishnagiri.

M. DURAISWAMY,J.,

Rj

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