

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

C.R.P.(NPD).No.1429 of 2016
and C.M.P.No.7864 of 2016

Minor M.Rakshita
rep by her mother and
natural guardian Jayanthi

... Petitioner

Vs.

National Insurance Company Ltd.,
Regional Office,
Vellore Town and Taluk,
Vellore District.

... Respondent

Civil Revision Petition filed under Section 115 of the Code of Civil Procedure against fair and decreetal order dated 24.03.2016 made in I.A.No.125 of 2016 in M.C.O.P.No.122 of 2014 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Dharmapuri.

For Petitioner : Mr.M.Selvam

ORDER

Challenging the fair and final order passed in M.C.O.P.No.122 of 2014 on the file of the Motor Accidents Claims Tribunal, Special District Judge, Dharmapuri, the claimant has filed the above Civil Revision Petition.

2.The claimant filed M.C.O.P.No.122 of 2014 claiming a compensation of Rs.1,00,000/- for the injury sustained by her in the road accident. Since the respondent failed to appear before the Motor Accidents Claims Tribunal, they were set exparte and an exparte Award was passed on 29.07.2015. Thereafter, the respondent filed an application in I.A.No.125 of 2016 to condone the delay of 25 days in filing the petition to set aside the exparte Award. In the affidavit filed in support of the petition, the respondent has stated that they were not served with notice, therefore, they could not appear before the Tribunal and contest the matter. The petitioner filed her counter disputing the averments stated in the affidavit filed in support of the petition. The Motor Accidents Claims Tribunal, taking into consideration the case of both parties, condoned the delay on payment of cost of Rs.500/-. While condoning the delay, the Tribunal found that the delay was only 25 days and in the interest of justice, the delay can be condoned.

3.As rightly found by the Tribunal, I am of the view that since the delay is only 25 days in filing the petition to set aside the exparte Award, in the interest of justice, the respondent can be given an opportunity to contest the matter on merits.

4.The learned counsel appearing for the petitioner submitted that though the M.C.O.P., was filed in the year 2014, the claimant has not seen the colour of the coin sofar.

5.In these circumstances, while confirming the order passed by the Motor Accidents Claims Tribunal, I am of the view that the Tribunal can be directed to dispose of the Original Petition within a stipulated time. Accordingly, the fair and decreetal order passed in I.A.No.125 of 2016 in M.C.O.P.No.122 of 2014 are confirmed. The Motor Accidents Claims Tribunal, Special District Judge, Dharmapuri is directed to dispose of the Original Petition in M.C.O.P.No.122 of 2014, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.With these observations, the Civil Revision Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : No
Internet : Yes
va

03.06.2016

Note: Issue order copy on 07.06.2016.

M.DURAIWAMY,J.
va

To

The Motor Accidents Claims Tribunal,
Special District Judge,
Dharmapuri.

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