

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)Nos.2002 and 2003 of 2013
& M.P.Nos.1 and 1 of 2013

The Managing Director,
Tamil Nadu State Transport
Corporation (CBE) Ltd.,
Erode Region

.. Petitioner in
both the C.R.Ps'

Vs.

Neelambigai
Respondent
C.R.P.No.2002/2013

..

in

R.Ramajeyam

.. Respondent
in C.R.P.no.2003/2013

COMMON PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal orders dated 13.03.2013 made in I.A.Nos.148 and 149/2013 on the file of the Additional District Judge No.III Gobi, in M.C.O.P.Nos.46 and 48 of 2010 respectively on the file of the Motor Accident Claims tribunal, Fast Track Court II, Gobi dated 25.01.2011 .

For Petitioner : M/s.R.T.Sundari

For Respondent : Mr.R.T.Doraisamy

COMMON ORDER

These Civil Revision Petitions are filed against the fair and decretal orders dated 13.03.2013 made in I.A.Nos.148 and 149/2013 on the file of the Additional District Judge No.III Gobi, in M.C.O.P.Nos.46 and 48 of 2010 respectively on the file of the Motor Accident Claims tribunal, Fast Track Court II, Gobi dated 25.01.2011.

2. The petitioner and issue involved in both the Civil Revision Petitions are one and the same and therefore, disposed of by this common order.

3. The respondent in both the Civil Revision Petitions are the petitioner in M.C.O.P.Nos.46 and 48 of 2010 on the file of the Motor Accident Claims Tribunal, Fast Track Court II, Gobi, claiming for a sum of Rs.3,40,000/- as compensation for the injuries sustained by them in the accident that took place on 02.11.2008. The petitioner entered appearance through Advocate but did not file counter affidavit. The petitioner was set exparte and exparte award was passed on 25.01.2011 in both the M.C.O.Ps'. The petitioner filed

I.A.No.148 of 2013 in M.C.O.P.No.46 of 2010 and I.A.No.149 of 2013 in M.C.O.P.No.48 of 2010 to condone the delay of 648 days in filing the petition to set aside the exparte award. According to the petitioner, the files relating to the M.C.O.P got mixed up with other case files and therefore, counter could not be filed in time. The failure of filing counter in time is neither wilful nor wanton. The learned counsel for respondent took notice and made an endorsement that they are opposing the application. The Tribunal, by the order dated 13.03.2013, dismissed both the I.A.Nos.148 and 149 of 2013, holding that there is no reason to condone the delay.

4. From the order of the Tribunal, it is seen that the Tribunal has not considered the reason given by the petitioner and has not passed any speaking order giving reasons for dismissing the application filed for condone delay in filing the petition to set aside the exparte award. From the reading of the affidavit filed in support of the application to condone the delay and grounds of revision, I am of the opinion that petitioner has given sufficient and valid reason for condoning the delay and petitioner must be given an opportunity to put forth his case on merits. In the circumstances, both the Civil Revision Petitions are allowed on condition that

petitioner pays a sum of Rs.500/- in each of the Civil Revision Petitions to **"the Hon'ble Chief Justice Relief Fund, High Court, Madras"** within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to file counter statement in both the M.C.O.Ps' within a period of eight weeks from the date of receipt of a copy of this order. The Tribunal is directed to dispose the M.C.O.Ps' as expeditiously as possible, not later than 30th April, 2018.

5. In the result, both the Civil Revision Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.10.2017

Index : Yes/No

gsa

To

1. The Additional District Judge
No.III, Gobi
2. The Motor Accident Claims tribunal,
Fast Track Court II, Gobi

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V.M.VELUMANI, J.

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C.R.P.(PD)Nos.2002 and 2003 of 2013
& M.P.Nos.1 and 1 of 2013

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