

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD) No.515 of 2009
and M.P.No.1 of 2009

The Managing Director,
Tamilnadu State Transport Corporation,
(Villupuram Division-II) Ltd.,
Kancheepuram

.. Petitioner

Vs.

Adhikesavan

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the judgment passed in M.P.No.2432 of 2007 in M.A.C.T.O.P.No.3281/1998 dated 23.10.2007 on the file of the IV Judge, Small Causes Court, Chennai 104.

For Petitioner : Mr.G.Muniratnam

For Respondent : Not ready in notice

ORDER

This Civil Revision Petition has been filed against the judgment passed in M.P.No.2432 of 2007 in M.A.C.T.O.P.No.3281/1998 dated 23.10.2007 on the file of the IV Judge, Small Causes Court, Chennai 104.

2. The petitioner is the respondent and respondent is the petitioner in M.C.O.P.No.3281 of 1998. The respondent filed the said M.C.O.P on the file of the Motor Accident Claims Tribunal, IV Judge, Small Causes Court, Chennai, against the petitioner claiming a sum of Rs.60,000/- as compensation for the injuries sustained by him in the accident that occurred on 06.09.1997 at about 5.00 a.m. The petitioner did not contest the M.C.O.P and exparte award was passed on them on 31.07.2006.

3. The petitioner filed M.P.No.2432 of 2007 under Section 5 of Limitation Act to condone the delay of 372 days in filing application to set aside the exparte award. According to the petitioner, the case was entrusted to the petitioner's erst while panel Advocate. He failed to file vakalat and follow up the matter. The claim petition filed by the respondent was dismissed for default on 16.06.2000 and subsequently was restored on 20.06.2006. The earlier Advocate was removed from the panel and he did not hand over the bundle. But, he was handling the matter. The petitioner came to know about the exparte award only when the notice was issued in the E.P on 04.06.2007. Immediately, the present application was

filed.

4. The respondent did not appear.

5. The learned Judge, considering the averments in the affidavit and contention of the learned counsel appearing for the petitioner, allowed the M.P, on condition that the petitioner deposits the entire award amount of a sum of Rs.16,700/- together with interest at 7.5% per annum.

6. The petitioner filed the present Civil Revision Petition against the said portion of the order dated 23.10.2007 made in M.P.No.2432 of 2007 in M.A.C.T.O.P.No.3281/1998.

7. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

8. The contention of the learned counsel appearing for the petitioner that the condition imposed by the Tribunal is erroneous and is liable to be set aside is without merits. From the materials available on record, it is seen that the amount awarded is only

Rs.16,700/- and directing the petitioner to deposit the said amount cannot be considered as *onerous* condition. The Civil Revision Petition is pending from the year 2009. The petitioner has not paid batta to serve the respondent/claimant.

9. For the above reason, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.09.2017

Index: Yes/No
gsa

To

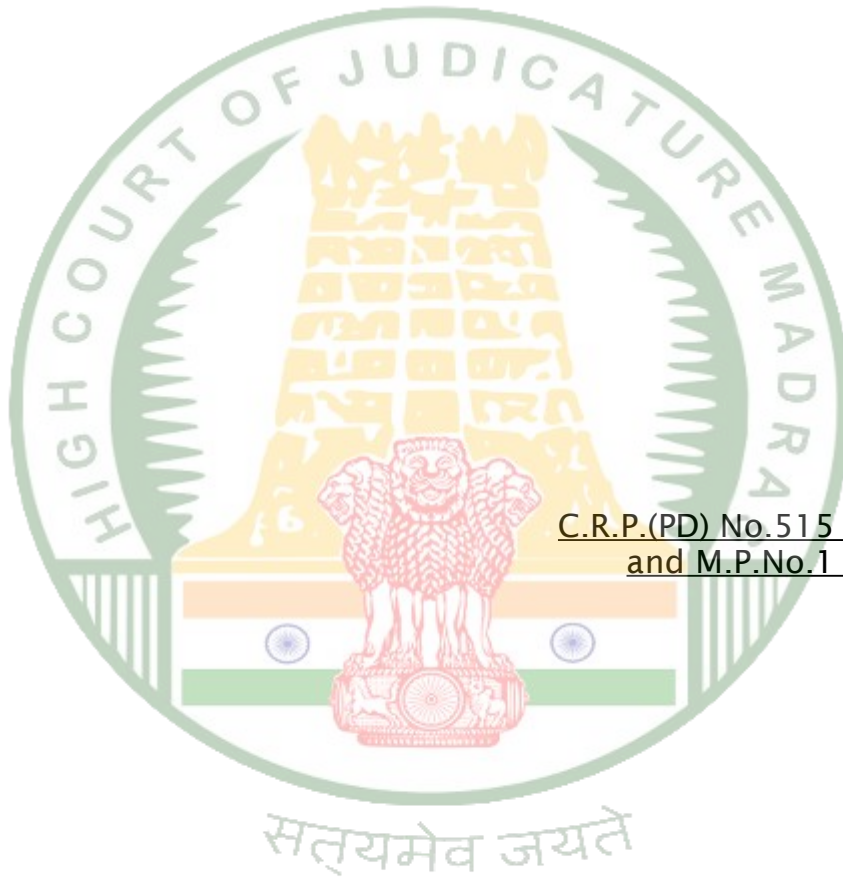
The IV Judge,
Small Causes Court,
Chennai 104.

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V.M.VELUMANI,J.

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