

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 05.10.2017

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU**CRP(NPD) (MD) No.1603 of 2017**

G.Haseena Begum

... Petitioner

vs.

1)Mr.C.Jeyaseelan

2)The Branch Manager,
Oriental Insurance Company Ltd.,
City Branch Office,
II Floor, 29th West Masi Street,
Madurai.

3)Mr.S.Saravanakumar

R3 dismissed vide court order date 23.02.2017

4)The Branch Manager,
The New India Assurance Company Ltd.,
Madurai.

... Respondents

Petition filed under Section 115 of C.P.C against fair and decreetal order dated 06.02.2006 made in I.A.No.736 of 2005 in M.C.O.P.No.489 of 1997 on the file of Additional District and Sessions Court (Fast Track Court-1) Madurai and set aside the same.

For Petitioner : Mr.K.Suresh Kumar

For R4 : Mr.K.Murugesan

ORDER

This revision petition has been filed against the fair and decreetal order dated 06.02.2006 made in I.A.No.736 of 2005 in M.C.O.P.No.489 of 1997 on the file of Additional District and Sessions Court (Fast Track Court-1) Madurai.

2.Challenging the dismissal of the claim petition in M.C.O.P.No.489 of 1997, the revision petitioner filed I.A.No.736 of 2005 for restoration of the claim petition along with a petition to condone the delay of 308 days in filing the restoration petition.



3.The Trial Court allowed the delay condonation petition on payment of cost of Rs.300/- to the other side on or before 03.02.2006. Since the petitioner did not pay the cost, the delay petition stood dismissed on 06.02.2006. Aggrieved by the said order, this revision petition has been filed.

4.Although this Court agrees with the dismissal of the delay condonation petition for non payment of cost of Rs.300/- only to the other side, considering the fact that the petitioner herein who is a house wife, suffered fracture of spinal cord in an accident which took place on 28.07.1996, for which, she filed a claim petition in M.C.O.P.No.489 of 1997 seeking compensation and having regard to the fact that merits of the matter should be looked into and it should not be thrown simply on the ground of delay especially in motor accident claims cases, this Court is inclined to condone the delay of 308 days in filing the restoration petition subject to payment of cost of Rs.1,000/- (Rupees one thousand only) by the petitioner to the other side within a period of one week from the date of receipt of a copy of this order. On such payment, I.A.No.736 of 2005 shall stand allowed and M.C.O.P.No.489 of 1997 shall stand restored to file.

With the above direction, this Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

The Additional District and Sessions Judge,
(Fast Track Court-1)
Madurai.

+1cc to M/S. K.MURUGESAN, Advocate, SR.No.81633.

CRP(NPD) (MD)No.1603 of 2017
05.10.2017

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SDS/KK/SAR 2/20.10.2017/2P/3C