



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2017

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (NPD) (MD) No.1659 of 2017

G.Mohammed Rafee

... Petitioner/Petitioner/Petitioner

Vs.

1. Mr.C.Jeyaseelan (dismissed)

2. The Oriental Insurance Company Limited,
through its Managing Director,
D.No.29, II Floor, West Masi Street,
Madurai.

3. Mr.S.Saravanakumar (dismissed)

4. The New India Assurance Company Limited,
through its Managing Director,
Madurai.

RR1 & 3 are dismissed vide Court order
dated 23.02.2017 by VMVJ and the delay is
condoned against RR 2 & 4 only vide
Court order dated 08.09.2017 made in
M.P.(MD).No.1 of 2007 in C.R.P.(MD).
SR.11710/2007 by TRNJ.

... Respondents/Respondents/
Respondents

Prayer: Civil Revision Petition is filed under Section 115 of C.P.C., against the order and decreetal order dated 06.02.2006 made in I.A.No.735 of 2005 in M.C.O.P.No.487 of 1997 on the file of Additional District and Sessions Court (Fast Track Court-1) Madurai.

For Petitioner : Mr.M.Ajmalkhan

O R D E R

This revision petition has been filed against the order and decreetal order dated 06.02.2006 made in I.A.No.735 of 2005 in M.C.O.P.No.487 of 1997 on the file of the Additional District and Sessions Court (Fast Track Court-1) Madurai.

2. Challenging the dismissal of the claim petition in M.C.O.P.No.487 of 1997, the revision petitioner filed I.A.No.735 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.

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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 sustained multiple injuries all over the body in an accident which took place on 28.07.1996, for which, he filed a claim petition in M.C.O.P.No.487 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 Legal Aid Services Authority within a period of one week from the date of receipt of a copy of this order. On such payment, I.A.No.735 of 2005 shall stand allowed and M.C.O.P.No.487 of 1997 shall stand restored to file.

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

Sd/-

Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

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

2. The Secretary,
Legal Aid Services Authority,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO M/s.AJMAL ASSOCIATES, IN SR No. 82523

AKV

TE/KK/SAR-I : 01/11/2017 : 2P/4C

C.R.P. (NPD) (MD) No.1659 of 2017
11.10.2017