



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP(MD) No. 392 of 2017 (PD)

Singaram

...Petitioner/Petitioner/Petitioner

Vs.

1.Backiam.

2.M/s. United India Insurance Company Limited,
4-Promenade Road,
Cantonment,
Trichy-1.

...Respondents/Respondents/Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India praying to set aside the order passed in I.A. No.189 of 2015 in M.C.O.P. No.588 of 2002 dated 31-03-2015 on the file of the III Additional Subordinate Judge(MACT), Tiruchirapalli.

For Petitioner

:Mr.N. Sudhagar Nagaraj

O R D E R

This Civil Revision Petition is filed to set aside the order passed in I.A. No.189 of 2015 in M.C.O.P. No.588 of 2002 dated 31-03-2015 on the file of the III Additional Subordinate Judge (MACT), Tiruchirapalli.

2. The revision petitioner filed MCOP.No.588 of 2002 on the file of the learned III Additional Subordinate Judge (MACT), Tiruchirapalli, claiming compensation for the injury suffered by him in the accident took place on 28.04.2001. The said MCOP was dismissed on 07.01.2015, for non appearance. The petitioner filed I.A.No.189 of 2015 for restoration of MCOP. According to the petitioner, he was suffering from jaundice and therefore, he could not appear on that day.

3. The second respondent opposed the said application on the ground that an earlier two occasions MCOP filed by the petitioner was dismissed and subsequently, it was restored on 07.01.2015 by the petitioner. The MCOP filed in the year 2002. The petitioner has no intention of conducting the case and



prayed for dismissal of the application.

4. The learned Judge considering all the materials on record, especially, the fact that on earlier two occasions MCOP was dismissed for default. After restoration, the MCOP was posted on number of hearings for trial. The petitioner did not appear. The learned Judge held that the reason given by the petitioner for restoration is not sufficient and valid to restore the MCOP and dismissed the application by an order dated 31.01.2015.

5. Against the said order of dismissal, present Civil Revision Petitions has been filed.

6. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

7. From the materials on record it is seen that the petitioner filed MCOP.No.588 of 2002 in the year 2002 and on earlier two occasions MCOP was dismissed and subsequently, it was restored. Again it was dismissed on 07.01.2015 for non appearance of the petitioner. The petitioner filed the present application to restore the MCOP and has contended that due to the fact that he was suffering from Jaundice he could not appear and proceed the case. The petitioner has not substantiated his contention. It is pertinent to note that MCOP has been filed in the year 2002, till 2015 the petitioner has not taken effective steps to conduct the said MCOP.

8. In the circumstances the learned Judge has considered all the materials on record in a proper perspective and has given cogent and valid reasons for dismissing the application in I.A. No.189 of 2015 in M.C.O.P. No.588 of 2002 dated 31-03-2015. Further the learned Judge has exercised his power conferred on him properly and there is no irregularity or illegality warranting interference by this Court.

9. In the result, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The III Additional Subordinate Judge(MACT), Tiruchirapalli.

Trp

js/RR/21.03.2017/2P-2C