



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2017

Coram:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CRP (MD) No.597 of 2017

and

CMP (MD) No.2680 of 2017

Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd, Tiruchi Region
Represented by its General Manager

... Petitioner

-Vs-

1.Uma
2.Thulasi Bharathi
3.Padmavathi
4.Srinivasa Rao

... Respondents

Prayer:- Civil Revision Petition filed under Section 115 of Civil Procedure Code, to allow the Civil Revision Petition with cost by setting aside the fair and final order passed in I.A.No.330/2016 dated 15.12.2016 in MCOP.No.1745 of 2011 on the file of II Additional District Judge, Tiruchirappalli.

For Petitioner : Mr. P.Prabhakaran

For Respondents : Mr. V.R.Shanmuganathan

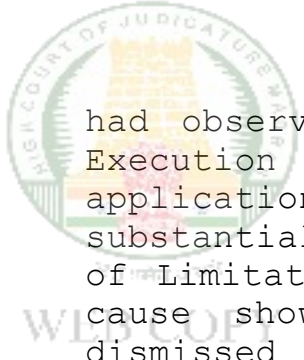
ORDER

Civil Revision Petition is filed to set aside the fair and final order passed in I.A.No.330/2016 dated 15.12.2016 in MCOP.No.1745 of 2011 and to allow the Civil Revision Petition with cost.

2.The revision petitioner is the State Transport Corporation. In the MCOP.No.1745 of 2011, the revision petitioner, the State Transport Corporation has been arrayed as respondent, and it failed to contest the claim petition leading to passing of an ex-parte decree on 18.10.2012. After filing the Execution Petition, the corporation has awoken, and filed an application to set aside the ex-parte award with the delay of 1405 days.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The tribunal, after considering the rival submissions



had observed that even after the receipt of the notice in the Execution Petition, the revision petitioner has not filed the application to set aside the ex-parte order. But only, after substantial unexplainable delay, the application under Section 5 of Limitation Act, has been filed. Since there is no reasonable cause shown to condone the delay, the tribunal has rightly dismissed the application. Aggrieved by the same, the Transport Corporation filed the above revision petition seeking the indulgence of this court to contest the matter on merit.

4.No doubt, the Court should not be very stringent while condoning the delay. On the case of this nature, where the respondent lost their bread winner and approached the Court for compensation, the authorities of the Transport Corporation cannot be very lethargic and cannot deal with the Court matters in a causal and reckless manner. If really the revision petitioner is interested to contest the case on merits, it should deposit Rs.10,00,000/- (Rupees Ten Lakhs only) within a period of 12 weeks from the date of receipt of a copy of this order in the MCOP account and on such deposit, the delay of 1405 days shall be condoned.

5.In the mean time, the Transport Corporation shall pay cost of Rs.10,000/- to the respondents.

6.With the above observation, the Civil Revision Petition is Allowed. Consequently, Connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

The II Additional District Judge,
Tiruchirappalli.

+1 cc to Mr.P.Prabhakaran , Advocate in SR.No. 16359
+1 cc to Mr.V.R.Shanmuganathan , Advocate in SR.No. 16932

TA/SM
AE/RR/24.04.2017/2P/4C

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