



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(MD)No.838 of 2017(NPD)

Indra Mohan	... Petitioner/Petitioner/ 1 st Respondent vs.
1.Ramesh	... 1 st Respondent/1 st Respondent/ Petitioner
2.Sachidhanandham	... 2 nd Respondent/2 nd Respondent /2 nd Respondent

Prayer:- Civil Revision Petition filed the under Section 115 of C.P.C., to call for the records pertaining to the order passed by the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur in I.A.No.138 of 2017 in M.C.O.P.No.644 of 2015 dated 27.01.2017 and set aside the same.

For Petitioner : Mr.N.Tamilmani

ORDER

The revision petitioner is the first respondent in M.C.O.P.No.644 of 2014 pending before the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur. He is the owner of the offending vehicle. So, he had been arrayed as one of the respondent in the claim petition. Though he was served notice, he did not appear before the Trial Court Inspite of the receipt of the same. Hence, he was set ex-parte and award was passed against him on 11.02.2016. Thereafter, the revision petitioner preferred an application in I.A.No.138 of 2017 to set aside the ex-parte award. The Trial Court has allowed the said application on condition to deposit half of the award amount on or before 16.02.2017 to the credit of MCOP No.644 of 2015 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur, failing which, the petition will be dismissed. Aggrieved by the aforesaid conditional order, the present revision petition is filed on the ground that the ex-parte award has been passed without giving an opportunity to contest the factum of accident as well as the quantum of compensation. Therefore, precondition to deposit half of the award amount is exorbitant.

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2.The Tribunal has passed the award of Rs.2,43,452/- with interest after taking into consideration the grievous injuries



sustained by the victim against the claim of Rs.10,00,000/- sought as compensation, the Tribunal has gone into the merits of the case and awarded Rs.2,43,452/- with interest at the rate of 7.5%, as compensation.

3.The learned counsel for the revision petitioner submits that the precondition to contest the matter on merits is very onerous and the award passed by the Tribunal is also on the higher side. Hence, the order of the Tribunal is liable to be set aside.

4.Considering the submission made by the learned counsel for the revision petitioner, this Court is of the opinion that the revision petitioner neglected to respond the summons for appearance and desire to contest the matter after suffering the ex-parte award without any precondition.

5.Precondition imposed by the trial Court, though not on the higher side, taking note of the submissions made by the learned counsel for the revision petitioner, instead of depositing 50% of the award amount, it is suffice for the revision petitioner to deposit Rs.1,00,000/- (Rupees one lakh only) to the credit of MCOP No.644 of 2015 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court, Thanjavur, on or before 28.04.2017 and on such deposit, the ex-parte award dated 11.02.2016 shall stand set aside, failing which, the claimant shall proceed with the award based on the order passed by the Tribunal on 11.02.2016.

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

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To
The Special Subordinate Judge,
The Motor Accident Claims Tribunal/
Special Subordinate Court, Thanjavur
+One cc to Mr.N.Tamilmani, Advocate, SR.No.52639
Ns
RL/3C/2P/MR/10.5.2017

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