

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP (NPD) No.3908 of 2017

S.Revathi

.. Petitioner

-Vs-

1.M/s. Vijay Poly Pipe,
No.7, Kandhampalayam, Perundurai,
Erode - 638 052.

2.National Insurance Company Limited,
Divisional Office, Court Road,
Thiruppur.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 04.03.2017 passed in I.A.No.1028 of 2016 in MCOP.No.223 of 2014 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Sathyamangalam.

For Petitioner : Mr.B.Gopalakrishnan for
Mr.R.Nalliyappan

For Respondents : No appearance

* * * * *

ORDER

This Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and final order dated 04.03.2017 passed in I.A.No.1028 of 2016 in M.C.O.P. No.223 of 2014 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Sathyamangalam.

2. Notice served, none appeared for the respondents.

3. According to the petitioner that the M.C.O.P.No.223 of 2014 filed before the Motor Accident Claims Tribunal (Subordinate Judge), Sathyamangalam. The said M.C.O.P. was posted for ex-parte evidence on 22.07.2016. On that day, the petitioner was not able to attend the Court and the above said M.C.O.P. was dismissed for default for non appearance of the petitioner. Therefore, the petitioner filed an Interlocutory Application in I.A.No.1028 of 2016, to condone the delay of 33 days in filing the application under Order 9 Rule 9 of the Code of Civil Procedure, to restore the M.C.O.P.No.223 of 2014 and the said application was dismissed by the Court below. Aggrieved by the same, the petitioner has filed the present Civil Revision Petition.

4. The petitioner has filed an application in I.A.No.1028 of 2016

to condone the delay of 33 days in filing application to restore the M.C.O.P. The petitioner has stated the reason in the affidavit that she was delivered with a male child and she was not able to attend the Court on that day, absence on that day was neither wilful nor wanton. In the light of above, the order passed by the Court below is liable to be set aside.

5. In fine, the impugned order is set aside and the Civil Revision Petition is allowed. No costs.

13.03.2018

Speaking/Non-Speaking order
Index : Yes/No
Internet: Yes/No

ah

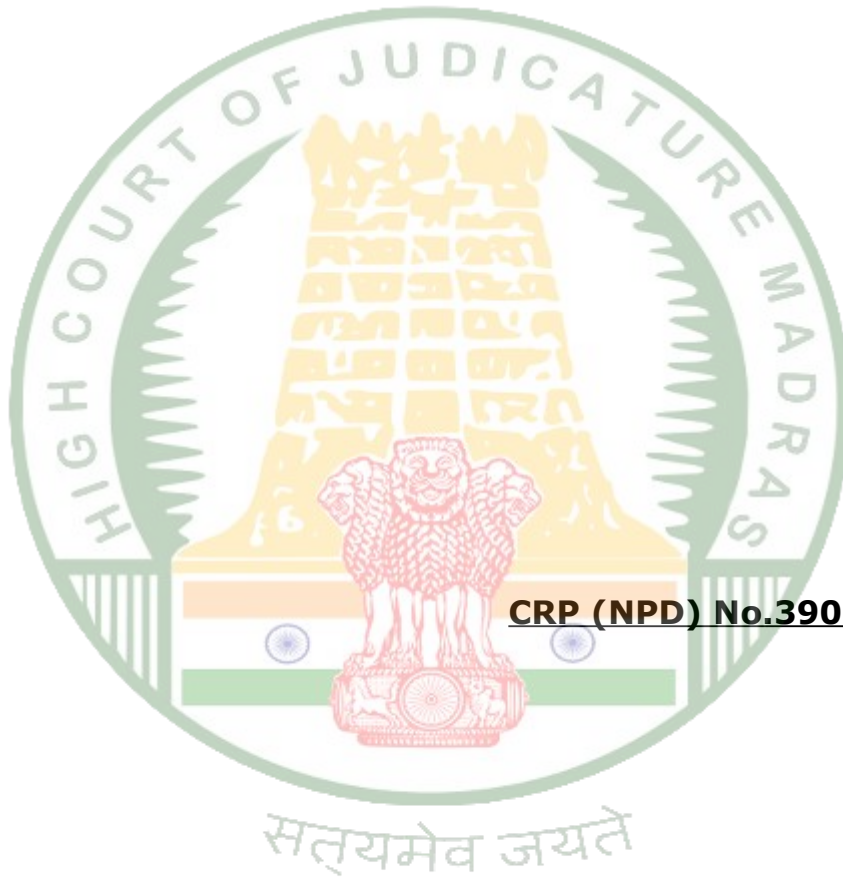
To

The Subordinate Judge,
Motor Accident Claims Tribunal,
Sathyamangalam.

सत्यमेव जयते
WEB COPY

D.KRISHNAKUMAR.J.,

ah



CRP (NPD) No.3908 of 2017

WEB COPY

13.03.2018