

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2018

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)Nos.4033 and 4035 of 2014
and M.P.Nos.1,1 of 2014 and 1,1 of 2015

The Managing Director
Tamil Nadu State Transport Limited
Railway station new road
Kumbakonam.

.. Petitioner in
both CRPs.

Vs.

1.Murali
2.Sadasivam

.. Respondents in
C.R.P.No.4033 of 2014

1.Uthirapathy
2.A.Ganesan
3.Suresh Kumar

.. Respondents in
C.R.P.No.4035 of 2014

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal order dated 23.07.2010 made in I.A.No.846 of 2010 in M.A.C.T.O.P.No.263 of 2007 and I.A.No.847 of 2010 in M.A.C.T.O.P.No.149 of 2008 on the file of the Motor Accident Claims Tribunal, Pondicherry at Karaikal.

In C.R.P.No.4033 of 2014

For Petitioner : M/S.D.Kamatchi

For Respondents : No appearance

In C.R.P.No.4035 of 2014

For Petitioner : M/S.D.Kamatchi

For R1 : Mr.S.Sounthar

For R2 and R3 : No appearance

COMMON ORDER

Both the Civil Revision Petitions are filed by the Transport Corporation challenging the order dated 23.07.2010 made in I.A.No.846 of 2010 in M.A.C.T.O.P.No.263 of 2007 and I.A.No.847 of 2010 in M.A.C.T.O.P.No.149 of 2008 on the file of the Motor Accident Claims Tribunal, Pondicherry at Karaikal, allowing the applications to condone the delay of 92 and 18 days respectively, on payment of cost of Rs.5,000/- each to the respondents.

2. According to the learned counsel for the petitioner, order of the Tribunal directing the petitioner to pay the cost of Rs.5,000/- is arbitrary and suffered from material irregularity. The Tribunal failed to consider the reason given by the petitioner for the delay. The

Tribunal awarded cost only on the objection of the respondent that each day's delay must be explained. She has deposited the Court fee into Court for the amount awarded.

3. Heard the learned counsel for the petitioner as well as the first respondent in C.R.P.No.4035 of 2014 and perused the materials available on record. Though notice were served on the respondents in C.R.P.No.4033 of 2014 and respondents 2 & 3 in C.R.P.No.4035 of 2014 and their names are printed in the cause list, there is no representation on behalf of them either in person or through counsel.

4. From the materials available on record, it is seen that in C.R.P.No.4033 of 2014, the delay in filing application to set aside the ex parte decree is 92 days. According to the learned counsel for the petitioner, due to illness of the counsel, he could not appear and represent the petition and ex parte decree has been passed. In C.R.P.No.4035 of 2014, the delay in filing the application to set aside the ex parte decree is only 18 days. According to the petitioner, the bundle has got mixed up with other bundle and therefore, they could not file the application immediately.

5. Considering the reason given by the petitioner and failure on the part of the Tribunal to consider the reason given by the petitioner, amount of Rs.5,000/- awarded by the Tribunal as cost is set aside and modified as Rs.500/- in C.R.P.No.4033 of 2014. In C.R.P.No.4035 of 2014, the delay is only 18 days and the petitioner has given valid reason for the delay and therefore, the impugned order passed by the Tribunal is set aside.

6. In the result, C.R.P.No.4033 of 2014 is ordered accordingly and C.R.P.No.4035 of 2014 is allowed. The Tribunal is directed to dispose of M.A.C.T.O.P.Nos.263 of 2007 and 149 of 2008 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

सत्यमेव जयते

01.03.2018

Index:Yes/No

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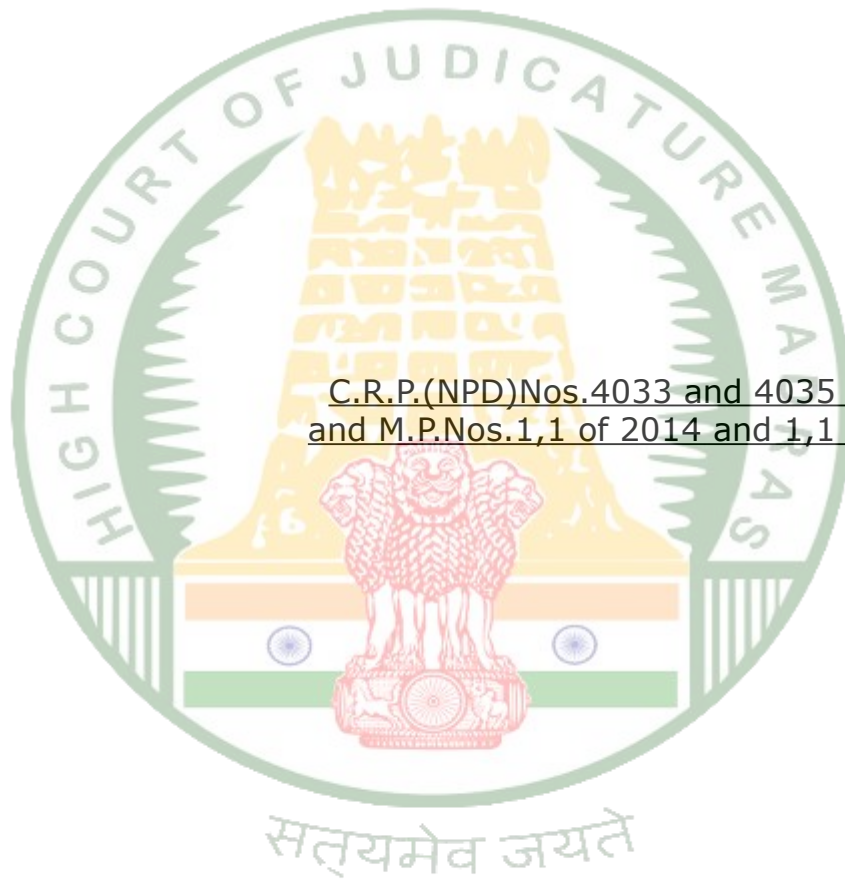
To

The Motor Accident Claims Tribunal
Pondicherry at Karaikal.

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V.M.VELUMANI,J.

Kj



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and M.P.Nos.1,1 of 2014 and 1,1 of 2015

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