



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.171 of 2017 and
C.M.P.(MD)No.743 of 2017

Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region, Bye-pass Road,
Dindigul Town,
Through its Assistant Manager.

... Petitioner/Petitioner/
3rd Respondent

Vs.

1. Periyasamy

... Respondent/Respondent/
Claimant

2. The Branch Manager,
United India Insurance Company,
Ambasamuthiram,
Coimbatore.

... Respondent/Respondent/ 2nd Respondent

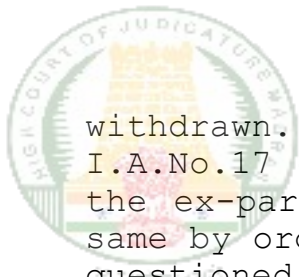
PRAYER : Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 01.12.2016 passed in I.A.No.17 of 2016 in M.C.O.P.No.60 of 2012 on the file of the Additional Subordinate Judge, Motor Accidents Claims Tribunal, Dindigul.

For Petitioner : Mr.K.Sudalaiyandi
For R-1 : Mr.R.Senthilkumar

For R-2 : Mr.K.A.Thirumalaiappan

O R D E R

The first respondent herein, namely, Periyasamy is the claimant in M.C.O.P.No.60 of 2012 on the file of the Motor Accidents Claims Tribunal(Additional Sub Court), Dindigul. He suffered a grievous injury leading to amputation of his leg. In the claim petition, the Insurance Company as well as the Revision petitioner Transport Corporation were made as parties. The Revision petitioner remained ex-parte. Therefore, the award came to be passed. But the liability was equally apportioned between the Insurance Company and the revision petitioner Corporation. The Insurance Company has deposited its portion of the liability. The same has also been



withdrawn. At this stage, the Revision petitioner took out I.A.No.17 of 2016 for condoning the delay of 673 days to set aside the ex-parte order dated 21.08.2014. The Court below dismissed the same by order dated 01.12.2016. The correctness of the said order is questioned in this Civil Revision petition.

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2. The Court below has stated that sufficient cause was not made out for condoning the delay of 673 days in filing the set aside petition. The Court below has also taken notice of the subsequent developments that have taken place. It is a claim for compensation for the injury suffered by the claimant. It is seen that leg was amputated. Therefore, if the Civil Revision petition is allowed, it would only cause agony to the applicant. The award passed by the Tribunal is reasonable and the amount involved is not excessive. The liability has been equally apportioned. Therefore, no case is made out for interference with the award passed by the Tribunal.

3. The Civil Revision petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/
Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To

1. The Additional Subordinate Judge,
Motor Accidents Claims Tribunal, Dindigul.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1cc to Mr.K.Sudalaiyandi, Advocate, SR.No.80994
+1cc to Mr.R.Senthilkumar, Advocate, SR.No.81529

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