



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2018

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WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.R.P. (NPD) (MD).Nos.830 & 831 of 2017 and
C.M.P. (MD) Nos.3702 & 8295 of 2017
in CRP (NPD) (MD) No.830/2017

The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Nagercoil,
Nagercoil Village, Agateeswaram Taluk,
Kanyakumari District. ... Petitioner/Petitioner/
2nd Respondent in both petitions

Vs.

1. S.Subramonia Pillai
2. S.Uma Sankar ... Respondents/Respondents/
Petitioners1&2 in Both Petitions

K.Sivamalu Pillai (Died)

COMMON PRAYER : Civil Revision Petitions are filed under Article 227 of the Constitution of India, to allow the Civil Revision petitions with cost by setting aside the fair and decreetal order passed in I.A.Nos.641 and 642 of 2015 dated 26.08.2016 in M.C.O.P.No.75 of 2014 on the file of the Chief Judicial Magistrate Court cum Motor Accidents Claims Tribunal, Nagercoil and allow the Civil Revision petitions.

(in all petitions)

For Petitioner : Mr.P.Prabhakaran
For Respondents : Mr.M.P.Senthil

C O M M O N O R D E R

One Avudayammal passed away in an accident involving the bus belonging to the Revision petitioner Corporation. M.C.O.P.No.75 of 2014 was filed by the claimants seeking payment of compensation before the Motor Accidents Claims Tribunal, Nagercoil. The award was passed on ex-parte basis against the Corporation. To set aside the same, they filed an application. But there was a delay of 58 days. To condone the same, I.A.No.641 of 2015 was filed. The same was dismissed by order dated 26.08.2016. Questioning the same, the C.R.P. (MD) No.830 of 2017 has been filed. The other Civil Revision petition is filed against the dismissal of the set aside petition.



2. Heard the learned counsel on either side.

3. It appears that summon was served on State Transport Corporation, but not on Tamil Nadu State Express Transport Corporation. Therefore, this Court is inclined to adopt an indulgent view in this matter. The Revision petitioner deserves to be given an opportunity to contest the matter on merits. But then, as rightly pointed out by the learned counsel for the claimants, the offending driver had contested the proceedings and an award was passed only on the merits of the matter. Therefore, this Court proposes to put the Revision petitioner on terms. The Corporation shall deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the credit of M.C.O.P.75 of 2014 on the file of the learned Chief Judicial Magistrate, Motor Accidents Claims Tribunal, Nagercoil, within a period of two months from the date of receipt of a copy of this order. Upon such deposit, the claimants are entitled to withdraw the same in the same proportion as stipulated in the award in question.

4. In this view of the matter, subject to the aforesaid condition, the orders impugned in these Civil Revision petitions are set aside. The Civil Revision petitions stand allowed, accordingly.

5. It is made clear that if the Revision petitioner Corporation does not deposit the said amount within the time stipulated above, the Civil Revision petitions would stand automatically dismissed. It is also made clear that this Court will not entertain any application for extension of time. If the Revision petitioner deposited the said amount as indicated above, M.C.O.P.No.75 of 2014 would stand restored. It shall be disposed of within a period of three months, thereafter. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RECORDS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Chief Judicial Magistrate,
Motor Accidents Claims Tribunal,
Nagercoil.



2.The Record Keeper,
V.R.Section, (2 COPIES)
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.P.PRABHAKARAN, ADVOCATE IN SR.NO.83474.

+1CC TO MR.M.P.SENTHIL, ADVOCATE IN SR.NO.83837.

PMU

DS RP SAR-4 :14.09.2018: 3P/6C

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