



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.09.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

C.R.P. (NPD) (MD) .No.1116 of 2016
and
C.M.P. (MD) .No.5599 of 2016

T.Prabhakaran ... Petitioner
Vs.
C.Madhan Periya Durai ... Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order passed by the Motor Accident Claims Tribunal cum Chief Judicial Magistrate, Madurai in I.A.No.261 of 2015 in M.C.O.P.No.2060 of 2012 vide its dated 11.01.2016 whereby and where under, the application filed by the petitioner under Section 5 of Limitation Act for condoning the delay of 234 days in filing the set aside application was dismissed.

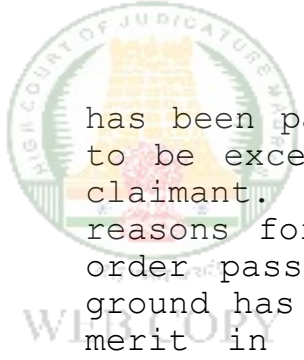
For Petitioner : Mr.R.Anand
For Respondent : Mr.S.A.Ajmal Khan

ORDER

The revision petitioner was shown as the first respondent in M.C.O.P.No.2060 of 2012 on the file of the Motor Accident Claims Tribunal, Madurai. The revision petitioner had caused the accident in question. The claimant Madhan Periya Durai suffered injuries. Though the revision petitioner was served with the summon in the said M.C.O.P., he did not choose to contest the same. Consequently, he was set ex-parte and an award came to be passed on 16.07.2014. To set aside the same, the revision petitioner filed an application. Again there was a delay of 234 days in filing the same. To condone the delay, I.A.No.261 of 2015 was filed. The Court below by order dated 11.01.2016, dismissed the said I.A. Questioning the same, the Civil Revision Petition has been filed.

2. The learned counsel appearing for the claimant submits that the claimant suffered fracture in the right elbow as well as below the right leg knee. Plates have been implanted. He has suffered 24 % disability.

3. This is a case of an accident claim. Therefore, the usual indulgence which we show can be extended only to the victim / claimant and not to the offender. The revision petitioner had admittedly received notice in the M.C.O.P.No.2060 of 2012. He ought to have diligently defended the same. He has not done so. It is also seen that the vehicle in question was not insured on the date of accident. That itself is an offence under law. That apart, the award



has been passed only for a sum of Rs.1,30,000/-. It cannot be said to be excessive, considering the nature of injury suffered by the claimant. The revision petitioner has also not given sufficient reasons for condoning the delay. Looked at it from any angle, the order passed by the Tribunal cannot be said to be incorrect. No ground has been made out for interfering with the same. There is no merit in the Civil Revision Petition. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To
The Motor Accident Claims Tribunal cum
Chief Judicial Magistrate,
Madurai

+1CC to Mr.S.A.Ajmal Khan, Advocate, SR.No.85509
+2CC to Mr.R.Anand, Advocate, SR.No.85686

C.R.P. (NPD) (MD) .No.1116 of 2016
19.09.2018

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