



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) .No.168 of 2016

V.Krishnamoorthy

...Petitioner

Vs.

1.Sri Kaleeswari Fire Works,
through its Partner,
P.Sivashanmugam

2.The Divisional Manager,
New India Assurance Co, Ltd.,
Police Station Road,
Sivakasi.

3.K.Ganeshwar

4.The Divisional Manager,
National Insurance Co. Ltd., Trichy-1.

5.K.Kanthimathi

...Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the cost of Rs.10,000/- imposed in fair and decretal order dated 25.06.2015 made in I.A.No.728 of 2014 in M.C.O.P.No.83 of 2005 on the file of the Subordinate Court, Sivakasi.

For Petitioner :Mr.P.Arun Jayatram

For R1	: No appearance
For R2	: Mr.R.Suresh Kumar
For R3	: dismissed vide Court order dated 12.07.2018
For R4	: Mr.J.S.Murali
For R5	: Mr.T.Senthilkumar

ORDER

The revision petitioner is the claimant in M.C.O.P.No.83 of 2005 on the file of the Subordinate Court, Sivakasi. The said claim petition was dismissed for default. To restore the same, the petitioner filed I.A.No.728 of 2014 and the same was allowed, but, cost of Rs.10,000/- (Rupees Ten Thousand only) was imposed. Questioning the same, the Civil Revision Petition has been filed.



2. Heard the learned counsel on either side.

3. This Court is of the view that the revision petitioner himself is the claimant, who seeks payment of compensation. The petitioner has suffered grievous injury in an accident. Therefore, levying cost on such a person may not really be appropriate.

4. In this view of the matter, the cost imposed on the petitioner is set aside and this Civil Revision Petition is allowed. The period of delay for restoring M.C.O.P and the period spent in prosecuting this Civil Revision Petition will stand excluded, while computing the liability of the respondents to pay interest. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Subordinate Judge, Sivakasi.

+1 CC To MR. J. S. MURALI, Advocate SR. NO. 83406

+1 CC To MR. P. ARUN JAYARAM, Advocate SR. NO. 83313

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RMK

TR/PM/SAR-IV(24.10.2018) 2P 4C