



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) .No.2366 of 2016

and

C.M.P. (MD) No.11172 of 2016

Pandi

... Petitioner/Petitioner/Respondent

Vs.

Krishnan

... Respondent/Respondent/Petitioner

PRAYER: Petition filed under Section 115 of Civil Procedure Code, to set aside the fair and decreetal order dated 28.07.2016 made in I.A.No.86 of 2015 in M.C.O.P.No.30 of 2012 on the file of Motor Accident Claims Tribunal (Sub-Court), Theni and allow the Civil Revision Petition.

For petitioner	: Mr.A.Arumugam
	for M/s. Ajmal Associates
For respondent	: Mr.P.Thangapandi

ORDER

The revision petitioner was shown as the respondent in M.C.O.P.No.30 of 2012 on the file of the learned Sub Judge, Theni (MACT). The revision petitioner received summons in the said proceedings. After entering appearance, the revision petitioner allowed, the M.C.O.P., to be decreed ex-parte. Thereafter, E.P.No.124 of 2014 was filed. Only on that stage, the revision petitioner woke up and filed an application for setting aside the ex-parte decree. Meanwhile, there was a delay of 433 days. To condone the delay, I.A.No.86 of 2015 was filed. The learned Tribunal took the view that proper reasons have not been assigned to condone the delay. In this view of the matter, I.A., was dismissed on 28.07.2016.

2.This Court notes that the vehicle involved in the accident has not been insured. It is also seen that the claimant suffered serious fracture in his limb and hip. He was in hospital for 56 days. The learned Tribunal has awarded a sum of Rs.3,44,800/- (Rupees Three Lakhs Forty Four Thousand and Eight Hundred only). It cannot be said to be excessive. No case is



made out for interference.

3. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-III)

To:

1. The Subordinate Judge cum
Motor Accident Claims Tribunal,
Theni.
2. The Record Keeper,
VR Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO M/s.AJMAL ASSOCIATES, ADVOCATE IN SR No. 86995

PNN
TE/PM/SAR-3 : 25/10/2018 : 2P/5C

ORDER MADE IN
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