

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.4418 of 2010

Minor Meyyappan ... Petitioner/Petitioner  
rep by his mother and natural guardian Anjammal

Vs.

1.Namagiri  
2.The New India Assurance Company Ltd.,  
Bharathi Road, Cuddalore. ... Respondents/Respondents

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 15.04.2009 made in I.A.No.1262 of 2008 in M.C.O.P.No.73 of 21994 on the file of the Motor Accidents Claims Tribunal (Sub Court), Chidambaram.

For Petitioner : Mr.D.S.Thirumavalavan

For Respondents: No appearance

O R D E R

Though the names of the respondents were printed in the cause list, none appeared for them.

2.Challenging the fair and final order passed in I.A.No.1262 of 2008 in M.C.O.P.No.73 of 1994 on the file of the Motor Accidents Claims Tribunal (Sub Court), Chidambaram, the claimant has filed the above Civil Revision Petition.

3.The petitioner filed the Original Petition in M.C.O.P.No.73 of 1994 claiming compensation for the injury sustained by him in a road accident. When the M.C.O.P. was posted for trial on 05.07.1999, since the petitioner did not appear on that day, the M.C.O.P. was dismissed for non-prosecution. Thereafter, the petitioner took out an application in I.A.No.315 of 2008 in M.C.O.P.No.73 of 1994 with a delay of 2890 days in filing the application to restore the M.C.O.P. The Motor Accidents Claims Tribunal, by order dated 12.12.2008, condoned the delay on condition the petitioner cannot claim interest for the period between 05.07.1999 and 14.03.2008. Subsequently, the petitioner filed an application in I.A.No.1262 of 2005 to restore the M.C.O.P.

However, the Tribunal dismissed the application finding that the petitioner has not given sufficient reason.

4. When the Tribunal has condoned the delay of 2890 days in filing the application to restore the Original Petition, the present application, which is only consequential, should have been allowed, in the interest of justice. Even according to the Motor Accidents Claims Tribunal, the petitioner has satisfactorily explained the long delay of 2890 days and therefore, the Tribunal should not have dismissed the consequential application filed by the petitioner to restore the Original Petition. In these circumstances, I am of the view that the fair and decreetal order passed by the Tribunal in I.A.No.1262 of 2008 are liable to be set aside. Accordingly, the same are set aside. The application in I.A.No.1262 of 2008 stands allowed. The Motor Accidents Claims Tribunal (Sub Court), Chidambaram, is directed to dispose of the Original Petition in M.C.O.P.No.73 of 1994, on merits and in accordance with law, as expeditiously as possible.

5. With these observations, the Civil Revision Petition is allowed. No costs.

Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

va

To

1. The Motor Accidents Claims Tribunal  
Subordinate Judge,  
Chidambaram.

+1cc to Mr.D.S.Thirumavalavan, Advocate SR.94794

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SJ(CO)  
CB(16/12/2019)

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