

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P. (NPD) .No.92 of 2006

1.Jaya Geetha
2.Krishna Priya Dharsini ... Petitioners

Vs.

1.Karthikeyan
2.M/s.United India Insurance Company Ltd. Branch
5, Sunitha Buildings 2nd Floor,
Divan Bagadur Road,
R.S.Puram, Coimbatore - 2.

3.N.Paramavathi

4.Keerthika Devi ... Respondents

(Cause title accepted vide order dated 05.12.2005 made in
C.M.P.No.19062 of 2005)

Prayer:

Writ Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 28.02.005 in I.A.No.964 of 2004 in M.C.O.P.No.234 of 1994 on the file of the Motor Accident Claims Tribunal and II Additional Subordinate Judge, Coimbatore.

For Petitioners: Mr.C.R.Prasanan

For Respondents: R2 - no appearance

R1, R3 & R4 - not ready in notice

O R D E R

Challenging the fair and final order passed in I.A.No.964 of 2004 in M.C.O.P.No.234 of 1993 on the file of the Motor Accident Claims Tribunal, II Additional Subordinate Court, Coimbatore, the legal representatives of the deceased claimant have filed the above Civil Revision Petition.

2.The claimant filed the Original Petition in M.C.O.P.No.234 of 1993 on the file of the Motor Accident Claims Tribunal, II

Additional Subordinate Judge, Coimbatore, claiming compensation for the death of her husband in a road accident. When the M.C.O.P. was posted for trial on 08.06.2001, the claimant failed to appear before the Tribunal, hence, the Tribunal dismissed the Original Petition for non-prosecution. Subsequently, after a delay of 1171 days, the claimant filed an application in I.A.No.964 of 2004 to condone the delay of 1171 days in filing the petition to restore the M.C.O.P. In the affidavit filed in support of the petition, the claimant has only stated that she was unwell on 08.06.2001, therefore, she could not appear for trial on that day. Except stating the reason for her non-appearance on 08.06.2001, she has not stated any other reason for the inordinate delay of 1171 days in filing the petition to restore the Original Petition. In the absence of sufficient cause shown by the petitioner, the Tribunal has rightly dismissed the petition.

3. In the judgment reported in (2015) 1 Supreme Court Cases 680 [H.Dohil Constructions Company Private Limited Vs. Nahar Exports Limited and another] the Hon'ble Supreme Court held that unless a party seeking for condonation of the delay gives sufficient cause for the delay, the delay cannot be condoned. The ratio laid down by the Apex Court in the said judgment squarely applies to the facts and circumstances of the present case.

4. In the absence of sufficient cause shown by the petitioner, the delay cannot be condoned. I do not find any error or irregularity in the order passed by the Tribunal below. The Civil Revision Petition is devoid of merits and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

va

To

The Motor Accident Claims Tribunal and II Additional Subordinate Judge,
Coimbatore.

Copy to:

The Section Officer,
V.R Section,
High Court, Madras

+1cc to Mr.C.R.Prasanan, Advocate sr.80432

C.R.P. (NPD) .No.92 of 2006

mr(co)
nr 30/10/2019



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