

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

C.R.P. (NPD) No. 4229 of 2017

1. Minor Ganesh
2. Minor Gayathri

Petitioners 1 & 2 are Rep by Natural Guardian
Mother Manjula (third petitioner)

3. Manjula
4. Sadaiyammal

...Petitioners

Vs

1. Shanmugam
2. The Manager
United India Insurance Company Ltd,
No.146/N, Kumar Complex,
Thiruchengode.

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.414 of 2016 in M.C.O.P.No.38 of 2013, on the file of the Motor Accidents Claims Tribunal, Sub Court, Neyveli dated 23.02.2017 and allow the Civil Revision Petition.

For Petitioners : M/s.V.Rajesh Babu

For Respondents : Mr.C.Girish Babu (for R.1)
Mr.T.Ravichandran (for R.2)

ORDER

The order under challenge in the present revision is rejection of petitioner's application seeking for restoration of main MCOP.

2. It is seen that earlier when the petitioner has filed an application in I.A.No.1 of 2016 seeking to condone the delay of 436 days, in filing the main MCOP, the same came to be allowed. The very purpose of allowing such an application filed, under Section 5 of the Limitation Act, is only for the purpose of giving an opportunity to the petitioner herein to get along with the main MCOP. When the Court below had opted to condone the delay, what automatically follows is that the consequent application filed to restore the main MCOP should also be allowed.

3. As such, I do not find any justification on the part of the Trial Court in rejecting the petitioner's application seeking to restore the main MCOP. Hence, the order dated 23.02.2017 passed in I.A. No.1/2016, in MCOP No.38 of 2013 is set aside. Consequently, the main petition in MCOP No.38 of 2013 shall stand restored to the file of the Motor Accidents Claim Tribunal (Sub Court, Neyveli).

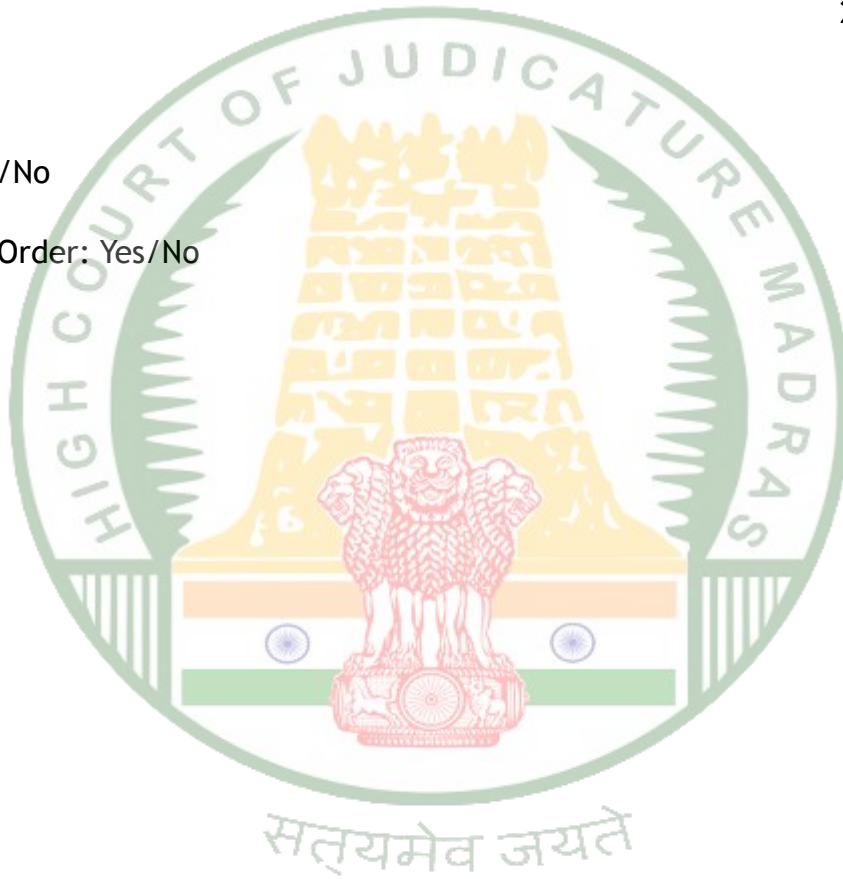
4. Accordingly, the present Civil Revision Petition stands allowed. No costs.

21.01.2019

Index:Yes/No

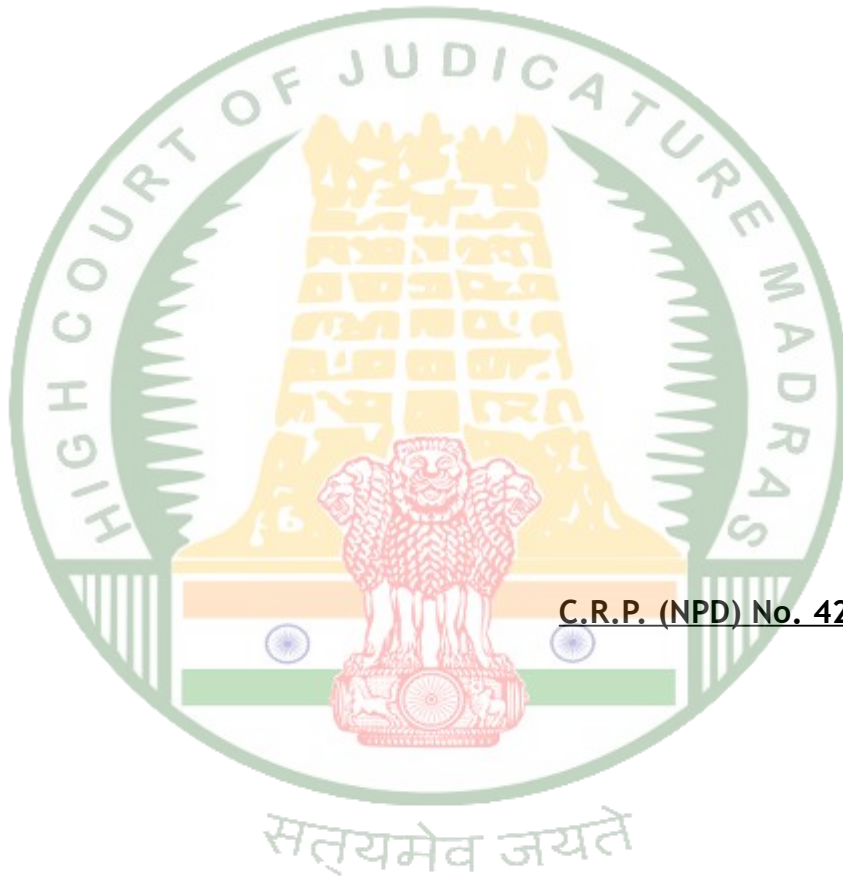
Speaking Order: Yes/No

mrn



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M.S.RAMESH.,J
mrm



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