

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 21.08.2019

CORAM

**THE HONOURABLE Mr.JUSTICE M.GOVINDARAJ**

C.R.P. (NPD) 3887 of 2018

and

C.M.P.s 21536 & 21621 of 2018

S.Senthilkumar ... Petitioner

Vs

1. T.Krishnammal

2. T.Latha

3. Royal Sundaram Alliance Insurance  
Company Limited,  
rep. by its Branch Manager  
Having office at Bus Plaza,  
3<sup>rd</sup> Floor, No.5 G Lasans Road,  
Trichirappalli Cantonment,  
Trichy.

... Respondents

**PRAYER :** Civil Revision Petition filed under Article 227 of the Constitution of India against the return order dated 05.09.2018 passed in I.A.SR. No.5671 of 2018 by the Motor Accident Claims Tribunal (District Court), Nagapattinam in M.C.O.P.No.309 of 2010.

For Petitioner : Mr.S.Girithran

For Respondents : Mr.S.Krishnasamy for R1 to R3

**ORDER**

Aggrieved over the exparte award passed by the Tribunal, the owner of the vehicle filed a petition to set aside the exparte award. The petition was returned as the order was passed on merits and only the appeal is maintainable.

2. After receipt of notice, the claimants appeared through their counsel before this Court and the learned counsel appearing for the claimants submitted that they have no serious objection in deciding the matter on merits after full-fledged trial.

3. On considering the same, this Court is inclined to set aside the exparte order dated 19.08.2011 in M.C.O.P.No. 309 of 2010 passed by Motor Accident Claims Tribunal (District Court), Nagapattinam and the Tribunal is directed to take up the claim petition and dispose of the same on merits on hearing both sides within a period of three months from the date of receipt of the copy of this order. However, the deposit made by the petitioner

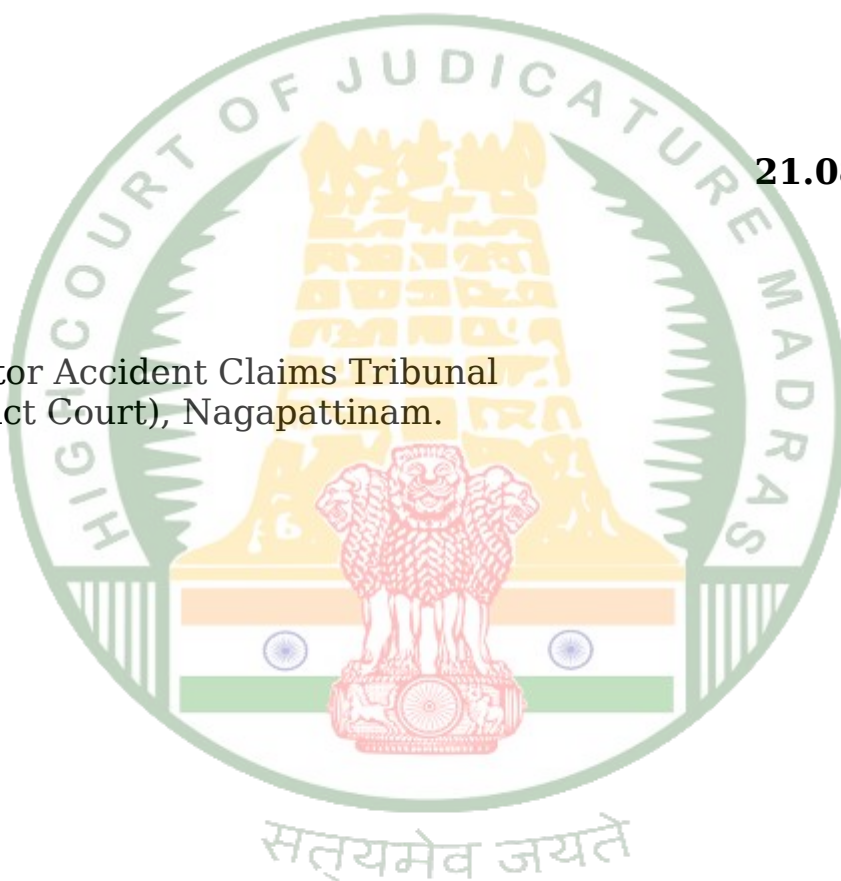
shall remain in the account of the Motor Accident Claims Tribunal till the disposal of claim petition. Accordingly, the Civil Revision Petition stands disposed of. No costs. Consequently, the connected Civil Miscellaneous Petitions are closed.

**21.08.2019**

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To

The Motor Accident Claims Tribunal  
(District Court), Nagapattinam.

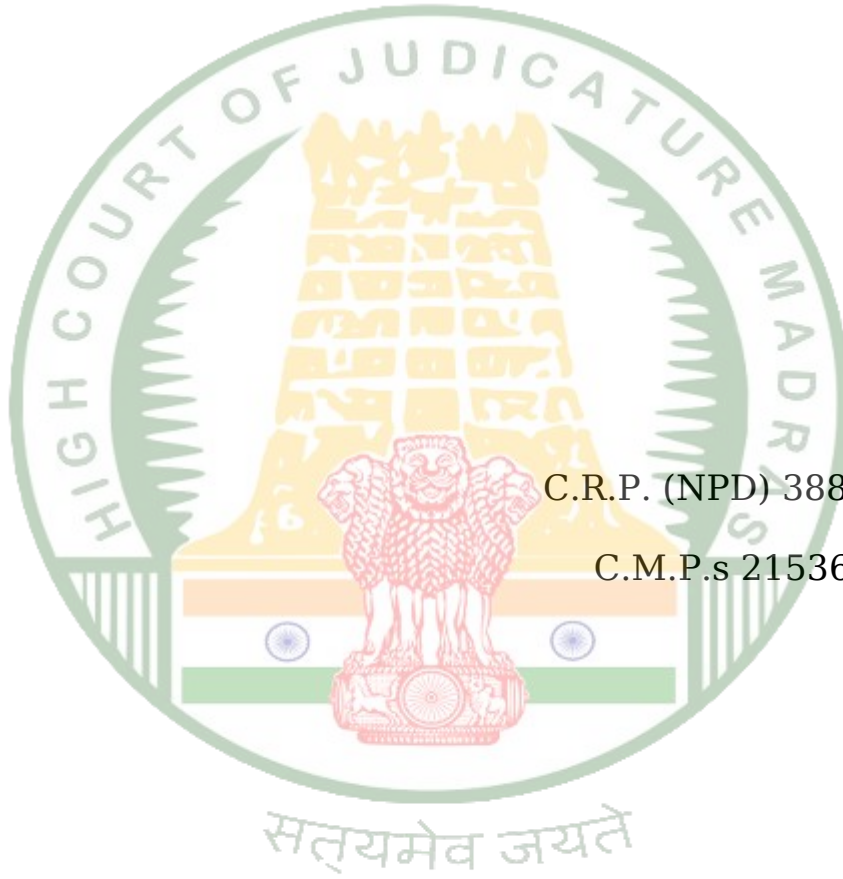


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**M.GOVINDARAJ,J.**

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