

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) No.2379 of 2018

K.Ravi

... Petitioner

Vs

1. The Commissioner Corp. of Chennai,
PEVR Road,
Chennai -3.

2. The United India Insurance Co. Ltd.,
Motor Third party claims cell,
No.38, Anna Salai, Chennai-02

... Respondents

Prayer: The Civil Revision petition filed under Article 227 of the Constitution of India, praying to set aside the order made in MP No.106 of 2016 in MCOP No.1467 of 2003 dated 01.09.2017 on the file of the Motor Accident Claims Tribunal (II Small Causes Court), Chennai.

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For Petitioner : Mr.K.Varadha Kamaraj

For Respondents : No appearance

ORDER

This revision is against an order of the Motor Accidents Claims Tribunal, Chennai, dismissing an application for condonation of delay of 1691 days in filing the petition seeking restoration of MCOP No.1467 of 2003 which was dismissed for default on 13.02.2008.

2. In fact, it is seen from the records that the respondents have not filed any counter in the application for condonation of delay. Despite the same, the learned Tribunal has concluded that the delay was not satisfactorily explained and dismissed the application.

3. The original petition was filed seeking compensation of Rs.1,00,000/- for the injuries suffered by the claimant in a motor accident that occurred on 24.06.2002. The owner of the Vehicle namely, the Commissioner, Corporation of Chennai remained exparte before the Tribunal.

4. The Insurance Company resisted the claim on various grounds. The Original petition came to be dismissed on 13.02.2008 for default. The petition for restoration was filed in the year 2012 along with an application for condonation of delay of 1691 days.

5. The respondents though served, are not appearing either in person or through counsel duly instructed.

6. In the affidavit filed in support of the application, it is stated that the petitioner was suffering from viral fever and could not attend the Court on the said date. Of course, the reasons assigned for the delay are not very satisfactory. However, considering the fact that it is a Motor Accident case and the petitioner has suffered injuries, I am of the considered opinion that the petitioner should be given a chance to prosecute the case on merits. However, I make it clear that the petitioner will not be entitled to interest from 13.02.2008 till today.

7. In view of the above, the Civil Revision petition is allowed.

The delay of 1691 days is condoned. The petitioner will not be entitled to any interest on the award amount from 13.02.2008 till today i.e 28.10.2020.

The learned Tribunal is directed to number the application for restoration of the Original petition and dispose of the same within a period of 30 days from the date of receipt of a copy of this order. No costs.

28.10.2020

Note: Time bound order

vum

Index: Yes/No

Speaking order / Non speaking order

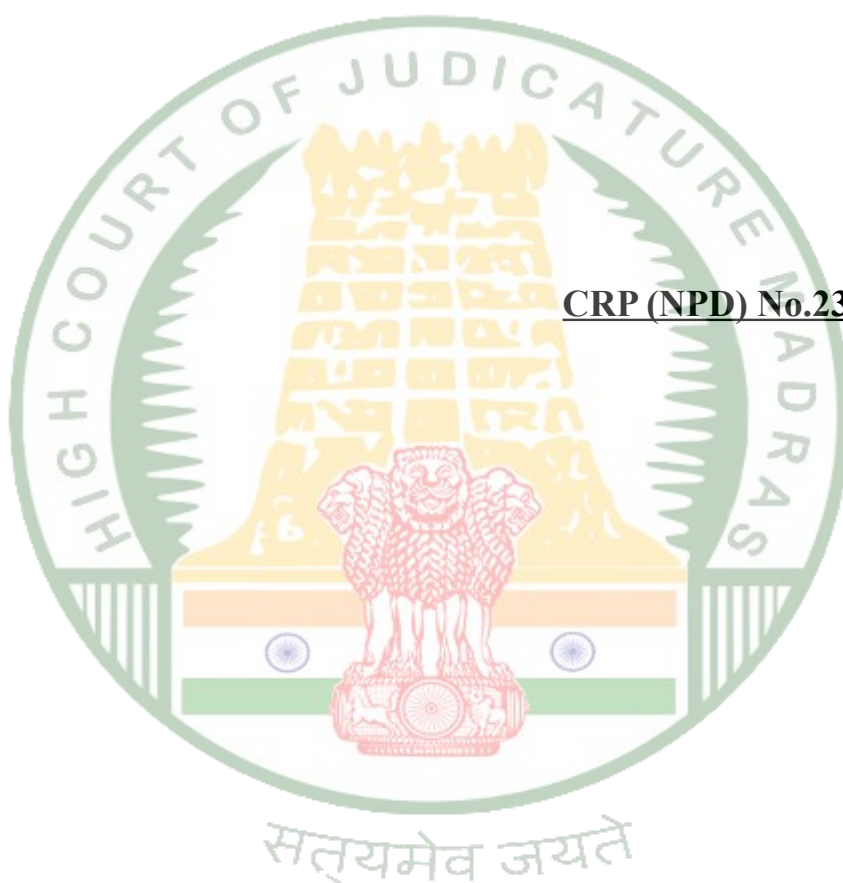
To

The Motor Accident Claims Tribunal (II Small Causes Court)
Chennai.

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R.SUBRAMANIAN, J.

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28.10.2020