

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2020

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.(NPD)No.2481 of 2014

and

M.P.No.1 of 2014

Rajendran

... Petitioner

...Versus...

The United India Insurance Company Limited,
Dharapuram,
Tirupur District.

... Respondent

PRAYER:This Civil Revision Petition has been filed under Section 115 of C.P.C, against the fair and final order passed in I.A.No.387 of 2011 in M.C.O.P.No.351 of 2004 dated 21.09.2011 on the file of the M.A.C.T.O.P.Tribunal (Sub-Court), Dharapuram.

For Petitioner

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Mr.K.Arangeswaran

For Respondent

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M/s.I.Malar

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ORDER

M.P.No.1 of 2014 has been filed to restore the Civil Revision Petition which was dismissed for default on 10.02.2014. The petitioner in M.C.O.P.No.351 of 2004 is the petitioner herein. He filed M.C.O.P.No. 351 of 2004 claiming compensation for the injuries sustained in the accident. The second respondent is United Insurance Company Limited. The ex-parte decree was passed in M.C.O.P.No.351 of 2004 on 21.07.2007 and hence, the second respondent-Insurance Company, before the Tribunal, filed I.A.No.387/2011 to set aside the ex-parte decree with petition to condone the delay. The said condonation delay petition was numbered as I.A.387 of 2011 and the same was allowed on payment of costs of Rs.500/- and hence, this Civil Revision Petition.

2. Pursuant to order in M.P.No.1 of 2014, the Civil Revision Petition was restored to file.

3. Heard the respective counsels.

4. It is seen from the affidavit filed in I.A.No.387/2011 that due to administrative reasons, the respondent-United Insurance Company filed a petition to set aside ex-parte decree dated 21.07.2007. The Trial Court on appreciation of the averments and also the counter statement as recorded, has subject to satisfaction for the sufficient cost and allowed the I.A on payment of cost of Rs.500/-. The same is challenged here.

5. After going through the records, the respondent-Insurance Company has got valid objection in respect of the claim which is the award which culminated in an award in M.C.O.P.No.351 of 2004 and hence, this Civil Revision Petition is dismissed and the order in I.A. is confirmed. The Sub-Court is hereby directed to dispose of the M.C.O.P within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते 27.02.2020

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Index:Yes/No
Internet:Yes/No
Speaking Order:Yes/No

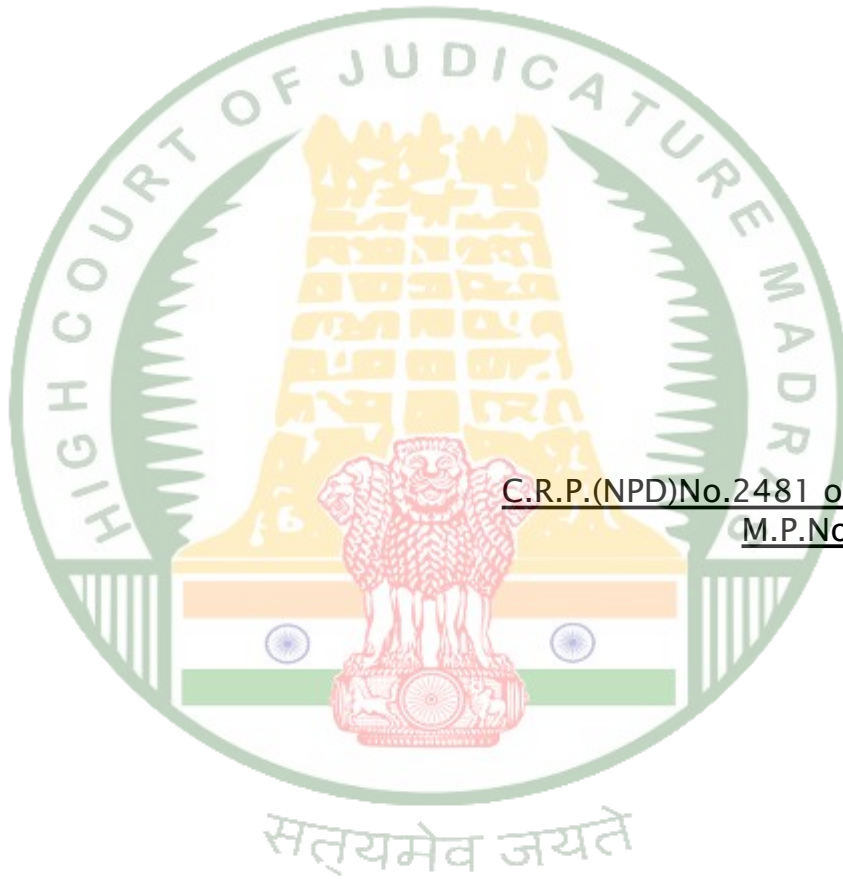
To

The M.A.C.T.O.P.Tribunal (Sub-Court), Dharapuram.

C.R.P.(NPD)No.2481 of 2012

RMT.TEEKAA RAMAN,J.,

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Order in
C.R.P.(NPD)No.2481 of 2012 and
M.P.No.1 of 2014

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27.02.2020