

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.4250 of 2015
and CMP.No.3325 of 2015 & MP.No.1 of 2015

Muralikrishnan

... Petitioner/Defendant

Vs.

1.Kaliappan

2.Sarala Devi

3.The Divisional Manager,
IFFCO-TOKIO General Insurance Company Ltd.,
No.28, North Usman Road,
T.Nagar, Chennai – 17.

... Respondents/Plaintiffs

PRAYER : The Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the order dated 16.09.2015 in I.A.No.1602 of 2015 in MACTOP No.16 of 2007 on the file of the Principal District Judge, Puducherry.

For Petitioner : Mr.Dilli Kumar
for M/s.G.Rajan

For Respondents : No appearance

ORDER

(Heard through video conferencing)

This civil revision petition has been filed against the order dated 16.09.2015 of the Principal District Judge, Puducherry in I.A.No.1602 of 2015 in MACTOP No.16 of 2007.

2. The civil revision petitioner is said to be the owner of the lorry in which the deceased was working as a cleaner. He has filed this petition to condone the delay of 1699 days in filing the petition to set aside the *exparte* Judgement passed in MACTOP No.16 of 2007 dated 24.12.2009. The first and second respondents being the parents of the deceased, have filed the claim petition for compensation for the death of the deceased in the accident. This first respondent/petitioner was remained *exparte* and the award has been passed on 24.12.2009. However, the Insurance Company in which the vehicle is said to have been insured, had contested the claim application. However, it seems from the order that the liability has been fixed on the first respondent/petitioner. Having kept quite for nearly 5 years, this civil revision petitioner has filed an interlocutory application in I.A.No.1602 of 2015 to condone the delay of 1699 days for the reason as stated by the petitioner that he was suffering from viral fever. To condone the delay of 1699 days, the reason stated by the petitioner is not acceptable.

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3. The learned Lower Court Judge has observed correctly that the delay has not been explained properly and there is more bonafide in this petition. It is seen that this petition has been filed only after the execution petition has been filed in order to recover the award amount. The respondents 1 and 2 have lost

their son and they are not able to recover the fruits of the award even after 10 years. While filing this petition, a miscellaneous petition in M.P.No.1 of 2015 has also been filed to stay the execution proceedings in which the conditional order has been passed on 21.06.2016 to pay atleast a sum of Rs.1,50,000/- by way of demand draft. There is no record to show that the said order has been complied. Several interim orders have been passed and an opportunity has been given to the petitioner to settle the matter amicably before Mediation and Conciliation Centre. Even then the civil revision petitioner did not settle the matter and continue to contest this petition.

4. I do not find any merits in the petition filed by the petitioner. It is already observed that the reason to condone the delay of 1699 days is also not acceptable and it is a mockery. Since this petition is lacking in merits, I do not choose to allow this petition. Consequently, the Civil Revision Petition is dismissed. No costs. Connected miscellaneous petitions are closed.

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08.04.2021

Speaking/Non-speaking

Index : Yes/No

Internet : Yes/No

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R.N.MANJULA,J.

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To

1.The Principal District Judge,
Puducherry.

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



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