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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

C.R.P.No.651 of 2017
and
C.M.P.No.3273 of 2017

Vasantha

... Petitioner

Vs.

1. The Branch Manager,
National Insurance Co. Ltd.,
Puducherry.

2. Radhakrishnan

... Respondents

Prayer :- Civil Revision Petition is filed under Section 115 of C.P.C., to set aside the fair and decreetal order dated 04.04.2016 made in I.A.No.1001 of 2014 in M.A.C.T.O.P.No.728 of 2009 on the file of the Principal Sub Court, Puducherry.

For Petitioner : Mr.H.Manojin
For Respondents
For R1 : Ms.R.Sreevidhya
For R2 : Notice served

ORDER

These Civil Revision Petitions are directed as against the fair and decreetal orders dated 04.04.2016 passed by the learned Principal Sub Judge, Puducherry, in I.A.No.1001 of 2014 in M.A.C.T.O.P.No.728 of 2009, thereby allowing the petition filed by the first respondent to condone the delay in filing the petition to set aside exparte order.

2. The petitioner is the claimant and she filed claim petition in M.A.C.T.O.P.No.728 of 2009 as against the respondents, claiming a sum of Rs.3,53,500/- for the injuries sustained by her in an accident. The first respondent was absent and he was set exparte. In pursuant to that, an exparte award has been passed by the Tribunal on 11.03.2014 and awarded a sum of Rs.1,20,000/- in favour of the petitioner with interest at 7.5% per annum from the date of petition till the date of payment payable by the respondents jointly and severally.



Aggrieved by the same, the first respondent filed petition to set aside the exparte decree dated 11.03.2014, along with the condone delay petition. The said petition was allowed by the Court below, as against which the present Civil Revision Petition.

3. On perusal of the affidavit filed in support of the condone delay petition and the exparte award revealed that the first respondent has not been contested the case to defend the claim petition and he may be given one more opportunity to contest the case on merits. The trial Court allowed the petition on the ground that, the compensation cannot be claimed for self inflicted injuries as such, the first respondent may be given an opportunity to defend the claim petition on merits and in accordance with law. This Court finds no infirmity or illegality in the order passed by the Court below. However, the trial Court passed the above order without imposing any cost on the first respondent.

4. Therefore, the first respondent is directed to pay a sum of Rs.5,000/- (Rupees five thousand only) as cost to the petitioner herein, within a period of two weeks from the date of receipt of copy of this Order, failing which, the order passed by the Court below in I.A.No.1001 of 2014 in M.A.C.T.O.P.No.728 of 2009 shall stand automatically cancelled. After complying the above said condition, the Tribunal is directed to dispose the claim petition within a period of three months thereafter.

5. Accordingly, the Civil Revision Petitions stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Principal Sub Judge, Puducherry.

2. The Section Officer,

V.R. Section, Madras High Court,
Chennai.

+lcc to Mr.H.Manojin, Advocate, S.R.No. 20244

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SR II(CO)
GN(15/07/2021)