



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

C.R.P.(PD)(MD)No.830 of 2021

Bharti Axa General Insurance Company Limited,
No.11, Divya Trade Center,
1st Floor, Brindhavan Road, Fairland's,
Salem - 636 016. .. Petitioner/Petitioner

-Vs-

1.Sharlin
2.Minor Pratheesha
3.Minor Benisha
(Respondents 2 & 3 are represented through their mother/first respondent)
4.Suresh
5.Senthilkumar
6.The United India Insurance Company Limited,
represented by its Branch Manager,
St. Xavier Building,
PWD Road, Nagercoil,
Agasteeswaram Taluk,
Kanniyakumari District.
7.Mani ... Respondents/Respondents

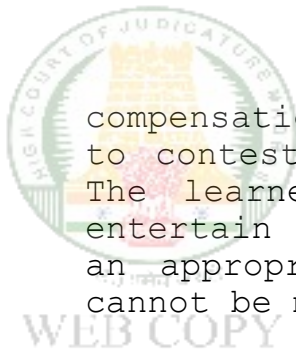
Prayer: Civil Revision Petition filed under Section 115 of the Civil Procedure Code, to set aside the return endorsement made by the learned Chief Judicial Magistrate, Nagercoil, in I.A Sr.(Unnumbered) 682 of 2020, dated 06.01.2021.

For Petitioner : Mr.V.Sakthivel

ORDER

This Civil Revision Petition has been filed challenging the return endorsement made by the Tribunal, dated 06.01.2021, wherein the Tribunal has returned the petition filed by the Insurance Company to condone the delay in filing the petition to set aside the exparte award.

2.The learned counsel for the petitioner submitted that a reading of the award shows that the Insurance company was set exparte and it was never contested by the Insurance company. The learned counsel further submitted that the Tribunal has fixed an amount of nearly Rs.32,00,000/- (Rupees Thirty Two Lakhs only) as



compensation and there are valid grounds for the Insurance Company to contest such an Exorbitant compensation fixed by the Tribunal. The learned counsel further submitted that the Tribunal has to entertain the application and deal with the same on merits and pass an appropriate order in accordance with law and the application cannot be merely returned without any adjudication.

3.Taking into consideration the facts and circumstances of the case and also after considering the submissions made by the learned counsel for the petitioner, there shall be a direction to the petitioner to represent the petition before the Tribunal within a period of two weeks from the date of the receipt of the copy of this order. The Tribunal on receipt of the same, shall deal with the petition on its own merits and in accordance with law and adjudicate the same and pass orders, within a period of six weeks from the date of the representation of the application.

4.This Civil Revision Petition is disposed of accordingly. No costs. The Registry is directed to return back the original affidavit and petition to the learned counsel for the petitioner in order to enable the petitioner to represent the same before the Tribunal.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.The Chief Judicial Magistrate, Nagercoil.

2.The Record Keeper,
E.R/V.R. Section,
Madurai Bench of Madras High Court,
Madurai. 2 Copies

Copy to

The Sub Asst. Registrar (A.E)

Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.Sakthivel, Advocate SR-18885 dt.07/06/2021

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