

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2022

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

C.M.A. NO.988 OF 2022

AND

C.M.P.NO.7329 OF 2022

State Express Transport Corporation Ltd.,  
Represented by its General Manager,  
Pallavan Salai,  
Chennai - 600 002.

... Appellant/  
Petitioner

Vs.

1.Asha Rani  
2.Arun Kumar Rajput  
3.Anil Kumar Rajput

... Respondents/  
Respondents

PRAYER:

Civil Miscellaneous Appeal filed under Order 43 Rule 1 (d) of the Code of Civil Procedure, 1908 against the order and decree dated 29.01.2020 passed in M.P.No.2142 of 2019 in M.C.O.P.No.4520 of 2003 by the learned VI Judge, Small Causes Court, Motor Accident Claims Tribunal, Chennai.

For Appellant : Mr.S.S.Swaminathan

For Respondents : Mr.R.Govindaraj

J U D G M E N T

The above Civil Miscellaneous Appeal has been filed challenging the order passed by the Motor Accident Claims Tribunal, VI Judge, Small Causes Court, Chennai in M.P.No.2142 of 2019 in M.C.O.P.No.4520 of 2003. The said application has been filed by the Appellant/ Transport Corporation, who is the respondent in the original petition seeking to set aside the ex-parte order passed on 27.11.2018.

2. The Tribunal below has rejected the said application only on the ground that the application for setting aside the ex-parte order has been filed with a delay of 40 days. But however, no petition to condone the delay has been filed.

3. Mr.R.Govindaraj, learned counsel has entered appearance on behalf of the respondents 1 to 3 and would submit that there are two other claimants apart from the respondents 1 to 3 shown here. However, he states that he has instructions to appear on their behalf. He has no objection.

4. Considering the fact that there is also an error on the part of the Registry for having not noted the delay, this order is set aside, subject to condition that the Appellant/ Transport Corporation shall deposit 50% of the award amount together with interest and costs, as directed, within a period of eight weeks from the date of receipt of a copy of this Judgment. On such deposit being shown, the Tribunal shall hear M.C.O.P.No.4520 of 2003 afresh.

5. Accordingly, this Civil Miscellaneous Appeal is allowed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ab

To

1. The VI Judge, Small Causes Court,  
Motor Accident Claims Tribunal, Chennai.

+lcc to Mr.S.S.Swaminathan, Advocate, S.R.No.37953  
+lcc to Mr.R.Govindaraj, Advocate, S.R.No.37916

C.M.A. No.988 of 2022  
and  
C.M.P.No.7329 of 2022

RR(CO)  
PM/25/07/2022