



WEB COPY



CRP.No.3520 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

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Minor Saranya

Rep by her next friend and Guardian mother
Saraswathi

... Petitioner

Vs.

1.K.Dhanasekar

2.R.Saravanan

3.IFFCI-TOKIO General Insurance Company Ltd.,

BBU, Ponmani Towers,

73-Avarampalayam Road,

New Sidhapudur,

Coimbatore

... Respondent

PRAYER: Civil Revision petition is filed under Article 227 of the Constitution of India praying to set aside the order dated 09.06.2016 passed in IA.No.157 of 2016 in MCOP.No.160 of 2008 on the file of the learned II Additional District Court, Erode by allowing this petition.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : No appearance

ORDER

This civil revision petition has been filed to set aside the order dated 09.06.2016 passed in IA.No.157 of 2016 in MCOP.No.160 of 2008 on the



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file of the learned II Additional District Court, Erode, thereby dismissing the petition filed to condone the delay in filing the petition to restore the MCOP.

2. Heard, Mr.I.C.Vasudevan, the learned counsel appearing for the petitioner.

3. The petitioner filed claim petition to claim compensation of Rs.10,00,000/- for the grievous injuries sustained by her in a road accident took place on 17.07.2005. The respondent had filed counter and the claim petition was posted for enquiry on 05.11.2009. However, the claimant was not present and as such, the claim petition was dismissed for default on 05.11.2009. Thereafter, it was not communicated to the claimant and as such, there was delay of 1835 days in filing the petition to restore the claim petition. However, the court below dismissed the said petition on the ground that the petitioner failed to prove the delay with reasonable cause. Admittedly the petitioner met with an accident and sustained grievous injuries. She did not appear when the matter was called for enquiry.

4. It is only a claim petition and as such, the court below ought to



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have considered the condone delay petition in a lenient manner. In view of the same, the order dated 09.06.2016 passed in IA.No.157 of 2016 in MCOP.No.160 of 2008 on the file of the learned II Additional District Court, Erode is set aside and this civil revision petition is allowed. The II Additional District Court, Erode is directed to dispose of the claim petition within a period of three months from the date of restoration of the claim petition. Further, the petitioner is directed to cooperate for enquiry. There shall be no order as to costs.

06.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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To
The II Additional District Court,
Erode



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G.K.ILANTHIRAIYAN, J.

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