



C.R.P.No.1554 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

C.R.P.No.1554 of 2020

K.Valarmathi

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
At 37, Mettupalayam Road, Coimbatore.

... Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 06.01.2020 in I.A.No.165 of 2019 in MCOP.No.1826 of 2014 on the file of the Motor Accidents Claims Tribunal / III Additional District Judge, Salem.

For Petitioner : Mr.A.Thameem Mohideen

For Respondent : Mr.A.Sundaravadhanan

ORDER

This Civil Revision petition is filed against the fair and decretal orders dated 06.01.2020 in I.A.No.165 of 2019 in MCOP.No.1826 of 2014 on the file of the Motor Accidents Claims Tribunal / III Additional District Judge, Salem.

Page 1 of 5



C.R.P.No.1554 of 2020

WEB COPY

2. The present revision petitioner is the petitioner in M.C.O.P.

No.1826 of 2014 on the file of the III Additional District Judge, Motor Accident Claims Tribunal, Salem. She filed the MCOP seeking compensation from the respondent Tamil Nadu State Transport Corporation for the injuries sustained by her in a road accident that took place 06.04.2014. The MCOP No.1826/2014 was dismissed for default on 31.07.2019 and thereafter the present revision petitioner filed an application under Order IX Rule 9 CPC in I.A. No.165/2019 seeking to restore the petition in M.C.O.P. No.1826/2014 on file. The respondent, Tamil Nadu State Transport Corporation represented by its Managing Director filed a counter. After full contest, learned III Additional District Judge, Motor Accident Claims Tribunal, Salem, dismissed the application vide his orders dated 06.01.2020 on the ground that the petition was filed solely for the purpose of dragging on the matter and that the petitioner does not adduce sufficient cause for restoring the petition which was dismissed for default.



C.R.P.No.1554 of 2020

WEB COPY

3. Heard Mr.A.Thameem Mohideen, learned counsel appearing for the revision petitioner and Mr.A.Sundaravadhanan, learned counsel appearing for the respondent.

4. It is pertinent to point out that the revision petitioner filed MCOP. No.1826 of 2014 seeking compensation for the injuries sustained by her in a road accident that took place on 06.04.2014. The injuries are grievous injuries . The main petition in MCOP No.1826 of 2014 was posted for enquiry on 31.07.2019, on which date the petitioner did not appear before the Tribunal and therefore, the petition was dismissed for default. The contention of the petitioner is that on account of her illness she could not attend the Court. Though she did not adduce sufficient documentary evidence to substantiate her contention, considering the plea of the petitioner and also considering the fact that she sustained grievous injuries in the road accident, the present Civil Revision Petition is allowed.



C.R.P.No.1554 of 2020

WEB COPY

5. In the result,

- i. the Civil Revision Petition is allowed. No costs.
- ii. the fair and decretal orders dated 06.01.2020 in I.A.No.165 of 2019 in MCOP.No.1826 of 2014 on the file of the Motor Accidents Claims Tribunal / III Additional District Judge, Salem, is set aside.
- iii. The III Additional District Judge, Motor Accident Claims Tribunal, Salem, is directed to take MCOP.No.1826 of 2014 on file and dispose of the same in accordance with law.
- iv. However, the petitioner is not entitled to claim interest for the period from 31.07.2019 till the date the petition is restored to file.

20.10.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
bga



WEB COPY



C.R.P.No.1554 of 2020

R. HEMALATHA, J.

bga

To

1.The Motor Accidents Claims Tribunal / III Additional District Judge,
Salem.

2.The Section Officer, VR Section, High Court, Madras.

C.R.P.No.1554 of 2020

20.10.2022