



C.R.P.No.1555 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.1555 of 2020

1.K.Valarmathi

2.C.Kumarasamy

3.Minor. Hari Vignesh

... Petitioners

(Represented by next friend / mother

K.Valarmathi)

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 decreetal order dated 06.01.2020 in I.A.No.166 of 2019 in MCOP.No.1830 of 2014 on the file of the Motor Accidents Claims Tribunal / III Additional District Judge, Salem.



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For Petitioners : 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.166 of 2019 in MCOP.No.1830 of 2014 on the file of the Motor Accidents Claims Tribunal / III Additional District Judge, Salem.

2. The present revision petitioners are the petitioners in M.C.O.P. No.1830 of 2014 on the file of the III Additional District Judge, Motor Accident Claims Tribunal, Salem. They filed the MCOP seeking compensation from the respondent Tamil Nadu State Transport Corporation for the death of K.Srisandhiya (daughter of the 1st and 2nd petitioner and sister of the 3rd petitioner), who died in a road accident that took place 06.04.2014. The MCOP No.1830/2014 was dismissed for default on 31.07.2019 and thereafter the present revision petitioners filed an application under Order IX Rule 9 CPC in I.A. No.166/2019 seeking



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to restore the petition in M.C.O.P. No.1830/2014 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 though the petitioners are the legal heirs of the deceased, they had not shown any interest to proceed with the case and that the petitioners did not show sufficient cause for restoring the petition which was dismissed for default.

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 petitioners filed MCOP. No.1830 of 2014 seeking compensation for the death of Srisandhiya, who died in the road accident that took place on 06.04.2014. The main petition in MCOP No.1830 of 2014 was posted for enquiry on



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31.07.2019, on which date the petitioners did not appear before the Tribunal and therefore, the petition was dismissed for default. In the affidavit filed in support of the application in I.A. No.166/2019, the 1st petitioner contended 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 petitioners and also considering the fact that they had lost their daughter in the road accident, the present Civil Revision Petition is allowed.

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.166 of 2019 in MCOP.No.1830 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.1830 of 2014 on file and dispose of the same in accordance with law.



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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.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.

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To

- 1.The Motor Accidents Claims Tribunal / III Additional District Judge,
Salem.
- 2.The Section Officer, VR Section, High Court, Madras.

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