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C.R.P.No. 756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2023

CORAM:

THE HONOURABLE Mrs. JUSTICE T.V.THAMILSELVI

C.R.P.No. 756 of 2023

Chandra

.. Petitioner

Vs

1.Vijayalakshmi

2.United India Insurance Co.Ltd.,
305, Atcham Mansion, Southern Extension,
Kollegal, 571 440,
Chamraj Nagar, Karnataka State.

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside fair and decreetal order in I.A.No.2 of 2021 in MCOP No.63 of 2017, on the file of the Principal District Judge, Perambalur dated 07.12.2022.

For Petitioner : Mr.S.Kamadevan

For R1 : Ms.K.Priya Varshini

For R2 : Left



C.R.P.No. 756 of 2023

ORDER

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This Civil Revision Petition is filed challenging the impugned order passed in I.A.No.2 of 2021 in MCOP.No.63 of 2017 on the file of Principal District Judge, Perambalur.

2. Before the Motor Accident Claims Tribunal, the petitioner filed an application in I.A.No.2 of 2021 to condone the delay of 67 days in order to restore the MCOP.No.63 of 2017 which was dismissed for default on 21.01.2021 during Covid-19 lockdown period. The condone delay application was dismissed by the trial Judge stating that due to lethargic attitude in conducting the case and filed the application without proper reason. Accordingly, the application was dismissed. As against which, the present revision is filed.

3. The learned counsel for the petitioner submits that the petitioner is now aged about 60 years filed the above MCOP, claiming compensation for the death of her husband.



C.R.P.No. 756 of 2023

4. Admittedly, the petition was dismissed during Covid period. The reason assigned by the petitioner in the application is justifiable but the trial Judge failed to consider the same, which needs interference.

5. In the result, the Civil Revision Petition is allowed by setting aside the order dated 07.12.2022 passed in I.A.No.2 of 2021 in M.C.O.P.No.63 of 2017 on the file of Principal District Judge, Perambalur. The trial Judge is directed to take MCOP on file and dispose the same, within four weeks from the date of receipt of copy of this order.

27.11.2023

Index :Yes/No
Neutral Citation :Yes/No
AT

To
The Principal District Court, Perambalur.



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T.V.THAMILSELVI, J.

AT

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