



C.R.P. No. 2722 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :.09.08.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P. No. 2722 of 2023 and

C.M.P.No.16807 of 2023

R. Senthil Kumar

...Petitioner

.Vs.

1. M. Radhakrishnan

2. V. Vijayalakshmi

3. The Oriental Insurance Company
Mayflower, Dr. Balasundaram Road,
Coimbatore - 641 018.

..Respondents

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow the above CRP by setting aside the fair order dated 26.12.2022 in I.A.No.2 of 2021 in M.C.O.P.No.144 of 2013, on the file of Chief Judicial Magistrate, Coimbatore and pass orders.

For Petitioner : Mr. P. Veena



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C.R.P. No. 2722 of 2023

ORDER

This petition is filed seeking to set aside the fair order dated 26.12.2022 in I.A.No.2 of 2021 in M.C.O.P.No.144 of 2013, on the file of Chief Judicial Magistrate, Coimbatore .

2. The facts of the case is that when the petitioner was travelling as a pillion rider in a two wheeler, a lorry came from behind in the same direction and dashed the two wheeler, as a result of which the rider of the two wheeler and the petitioner were thrown out and the petitioner suffered grievous injuries. Therefore, he filed a claim petition in M.C.O.P.No.144 of 2013 before the Motor Accidents Claims Tribunal, Coimbatore, claiming compensation. Whiles, when the M.C.O.P was posted on 17.08.2021 for recording petitioner side evidence, the petitioner was unable to appear and thereafter the petitioner side evidence was closed. Thereafter, the petitioner filed I.A.No.2 of 2021 in M.C.O.P.No.144 of 2013 to re-open the petitioner side evidence and the same dismissed by the Court below vide order dated 26.12.2022, which has given rise to this petition.



C.R.P. No. 2722 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that due to covid pandemic, the petitioner was unable to appear on 17.08.2021 and the learned Judge without observing the same erroneously dismissed the I.A.No.2 of 2021 in M.C.O.P.No.144 of 2013. Hence he prays this Court to allow this petition.

4. On a perusal of the impugned order it is seen that the petitioner had not stated any reason to re-open the petitioner side evidence and further has not stated anything regarding the facts and particulars of witness of whom he is going to examine. Hence the I.A was dismissed.

5. In view of the above, the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand only) to Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 and produce the receipt of the payment before the Court below.



C.R.P. No. 2722 of 2023

WEB COPY

6. With the above directions, this Civil Revision Petition is allowed and the order passed in I.A.No.2 of 2021 in M.C.O.P.No.144 of 2013, on the file of Chief Judicial Magistrate, Coimbatore is set aside. No order as to costs. Consequently, the connected miscellaneous petition is closed.

09.08.2023

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Index : Yes/No

Internet: Yes/No



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C.R.P. No. 2722 of 2023

V.BHAVANI SUBBAROYAN,J.
Smn

To.

1. The Oriental Insurance Company
Mayflower, Dr. Balasundaram Road,
Coimbatore - 641 018.

2.The Chief Judicial Magistrate, Coimbatore

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