



C.R.P.No.4466 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No.4466 of 2023

B.Pavithra

(minor rep. by her father and
next friend R.Baskaran)

... Petitioner

-Vs-

1. N.Jayakumar

2. United India Insurance Company Ltd.

“Silingi Buildings”,
No.134, Greams Road,
Chennai-6.

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the order dated 31.08.2017 made in M.P.No. 2747 of 2015 in MCOP.No. 4462 of 2009 on the file of Motor Accident Claims Tribunal (II Small Causes Court), Chennai.

For Petitioner

: Mr.K.Varadha Kamaraj

ORDER



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Challenging the impugned order passed in M.P.No. 2747 of 2015 in MCOP.No. 4462 of 2009, passed by the learned Motor Accident Claims Tribunal (II Small Causes Judge), Chennai, the Revision Petitioner preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the Claims Tribunal, notice to the respondents is dispensed with.

3. Before the trial court, the Revision Petitioner filed a claim petition in M.C.O.P.No. 4462 of 2009, but it was dismissed for default on 06.12.2012. Thereafter, due to lack of communication, she was not able to follow the proceedings. When she came to know about the fact that the petition was dismissed for default, immediately she has taken steps to restore the petition, but there is a delay of 1047 days. However, the said petition was dismissed by the Claims Tribunal stating that no proper reason was assigned for the delay. Challenging the said findings, the Revision Petitioner preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that originally, at the time of filing the petition, the petitioner was a minor and she was represented by her father. Furthermore, as there is a lack of communication from her counsel, they were not able to attend the hearings



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before the court. But, without considering their submissions, the Claims Tribunal erroneously dismissed the application. Hence, they prayed to set aside the findings of trial judge.

5. Admittedly, already the claimant suffered injury due to the accident and due to lack of communication, they are not able to follow the proceedings. Therefore, in order to give one more opportunity to contest the case before the Claims Tribunal, this Court is inclined to set aside the findings of Claims Tribunal in M.P.No. 2747 of 2015 in M.C.O.P.No. 4462 of 2009 and the said petition is ordered to be allowed. Accordingly, this Civil Revision Petition is allowed. No costs.

15.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The II Judge, Court of Small Causes, Chennai.

T.V.THAMILSELVI, J.



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