



C.R.P(MD)No.992 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **27.07.2023**

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.992 of 2018

and

C.M.P(MD)No.4335 of 2018

M/s.National Insurance Company Limited,
Divisional Office - I,
No.33, Bharathidasan Salai,
Cantonment, Trichy.

...Petitioner/Petitioner/
2nd Respondent

Vs.

1.M.Kanagavalli

2.M.Jegadeesh

3.M.Raghavan

4.M.Mohana Priya

...Respondents/Respondents/
Claimants

PRAYER: Civil Revision Petition is filed under Section 115 of C.P.C., to call for the records relating to the impugned fair and decreetal order dated 20.12.2017 made in I.A.No.2945 of 2017 in M.C.O.P.No.231 of 2013 on the file of the Motor Accident Claims Tribunal (Special District Court), Trichy, set aside the same.



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For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent : No Appearance

ORDER

The present civil revision petition has been filed against the order passed by the Motor Accident Claims Tribunal (Special District Court), Trichy in I.A.No.2945 of 2017 in M.C.O.P.No.231 of 2013, dated 20.12.2017.

2. Though the name of the learned counsel for the respondents is printed in the cause list, there is no representation on behalf of the respondents.

3. The petitioner is the second respondent before the Tribunal. It appears that for the death of one Mr.M.S.Mohan, an application was filed for seeking compensation. Wherein, the petitioner herein was set *ex parte* on 24.10.2016. Thereafter, an application was filed to set aside an *ex parte* decree, in which, the Court below directed the petitioner herein to pay 25% of the award amount as a condition precedent to set aside the *ex parte* decree.



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4. Aggrieved with the order of the learned Trial Judge, the petitioner has come up with this application.

5. The learned counsel for the petitioner fairly conceded the correctness of the dates and events mentioned by the learned Trial Judge. However, he would submit that for imposing such an onerous condition, the only reason mentioned in the impugned order is the hardship suffered by the claimants. In this regard, the learned counsel for the petitioner would submit that though the *ex parte* award was passed on 24.10.2016, the application to set aside the *ex parte* award has been filed without delay. Therefore, there could not have been any hardship to the respondents herein.

6. At this juncture, the learned counsel for the petitioner invited the attention of this Court, about the deposit of Rs.3,00,000/- (Rupees Three Lakhs only) before the Tribunal, when a conditional order was passed by this Court to stay further proceedings in the award passed in M.C.O.P.No.231 of 2013. Considering such deposit, this Court is of the view that in the interest of the justice, this civil revision petition may be allowed based upon the deposit, which has already been made by the petitioner before the Tribunal.



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7. In the result, this civil revision petition stands **allowed** as observed above. The learned Trial Judge is directed to dispose of the M.C.O.P.No.231 of 2013 as expeditiously as possible preferably within a period of 6 months from the date of the receipt of copy of this order. In the event of any award is passed, the amount which has already been deposited by the petitioner shall be adjusted towards the final award amount. No costs. Consequently, connected miscellaneous petition is closed.

27.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Motor Accident Claims Tribunal
(Special District Court), Trichy.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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