



CRP Nos.146 &147 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP Nos.146 and 147 of 2024

Dhanasekar

... Petitioner in
CRP Nos.146 and 147 of 2024

Vs.

Janamma

...Respondent in
CRP Nos.146 and 147 of 2024

PRAYER in CRP No.146 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 01.12.2023 made in unnumbered IA No.. of 2023 in IA. No.2 of 2022 in MCOP No.218 of 2018 on the file of the learned Special District Judge, Erode (Motor Accident Claims Tribunal)

PRAYER in CRP No.147 of 2024: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the docket order dated 01.12.2023 made in unnumbered IA No.. of 2023 in IA. No.1 of 2021 in MCOP No.218 of 2018 on the file of the learned Special District Judge, Erode (Motor Accident Claims Tribunal)

For Petitioner : Mr.S.Viswanathan



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COMMON ORDER

The civil revision petitions are filed to set aside the docket order made in unnumbered IA No.. of 2023 in IA. Nos. 1 and 2 of 2022 in MCOP No.218 of 2018 dated 01.12.2023 on the file of the learned Special District Judge, Erode (Motor Accident Claims Tribunal).

2. The petitioner is the first respondent and the respondent is the petitioner in MCOP No.218 of 2018 on the file of learned Principal Judge, Erode, the Motor Accident Claims Tribunal. The respondent herein has filed the claim petition against the petitioner and two others before the Motor Accident Claims Tribunal seeking compensation for the accident took place on 06.09.2011. The Tribunal, by order dated 07.08.2019, had dismissed the said petition for default. Thereafter, the respondent has filed a restoration petition in IA No.2 of 2022 along with an application for condonation of delay of 541 days in IA No.1 of 2022, which were allowed on 16.06.2023. According to the petitioner, since the said restoration



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petition and condonation petition were allowed without any notice to the petitioner and the case was posted for his cross examination of PW1, the petitioner has filed an application to reopen IA No.1 of 2022 for condonation of delay in filing the petition for restoration of the main case and another application to reopen IA No.2 of 2022 for restoration of the main case. The Trial Court, by order dated 01.12.2023, had rejected the aforesaid applications without even numbering the same. Hence, the petitioner has filed the present civil revision petitions challenging the orders dated 01.12.2023 passed by the Tribunal.

3. Learned counsel for the petitioner submits that the Tribunal has allowed the said restoration petition and condonation petition without any notice to the petitioner and now the case has been posted for his cross examination of PW1. Hence, he seeks for a direction to the Tribunal to set aside the docket orders dated 1.12.2023 made in unnumbered IA Nos. of 2023 in IA Nos.1 and 2 of 2022.



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4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The facts reveal that the petitioner is the first respondent and the respondent is the petitioner in MCOP No.218 of 2018 on the file of learned Principal Judge, Erode, the Motor Accident Claims Tribunal. The respondent herein has filed the claim petition against the petitioner and two others before the Motor Accident Claims Tribunal seeking compensation for the accident took place on 06.09.2011. The Tribunal, by order dated 07.08.2019, had dismissed the said petition for default. Thereafter, the respondent has filed a restoration petition in IA No.2 of 2022 along with an application for condonation of delay of 541 days in IA No.1 of 2022, which were allowed on 16.06.2023. The contention of the petitioner is that the said restoration petition and condonation petition were allowed without any notice to the petitioner. However, on a perusal of the notes paper of the court, it is noticed that on 01.03.2023, the third respondent made an



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endorsement to allow the said restoration petition and condonation petition without interest for the dismissal period and found that no notice was given to this petitioner. Thereafter, the case was posted on 04.03.2023, 10.03.2023, 15.03.2023, 10.04.2023 and 26.04.2023 for filing counter of the first respondent/petitioner and the case was again posted on 16.06.2023 for counter of the petitioner/first respondent and disposal. Since the petitioner/first respondent had not filed any counter on 16.06.2023, the restoration petition and condonation petition were allowed. Therefore, the contention of the petitioner cannot be accepted. I find no infirmity in the order passed by Tribunal. There are no merits in the civil revision petitions.

6. In fine, the civil revision petitions stand dismissed. There will be no order as to costs. Consequently, CMP Nos.687 and 689 of 2024 are closed.

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Index: Yes/No
Internet: Yes/No
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V.SIVAGNANAM, J.,

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