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C.R.P.Nos.2565 & 2874 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-12-2024

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

C.R.P.Nos.2565 & 2874 of 2024

and

C.M.P.Nos.13449 & 15275 of 2024

C.R.P.No.2565 of 2024:

The Managing Director,
State Express Transport Corporation Limited,
Chennai

..... Petitioner / 2nd Respondent

-Versus-

Mahalingam
S/o. Rathinam, No. 14, Perumal Koil Street,
Varichikudy Village, Kottucherry, Karaikal

..... Respondent / Petitioner

Prayer: Petition under Article 227 of the Constitution of India praying to set aside the petition and common order dated 28.03.2024 made in I.A.No.1 of 2023 in M.C.O.P.No.53 of 2016 on the file of the learned Subordinate judge, Karaikal, Union Territory of Puducherry.



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C.R.P.No.2874 of 2024:

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The Managing Director,
State Express Transport Corporation Limited,
Chennai

..... Petitioner / 2nd Respondent

-Versus-

Vijaya @ Vijayalakshmi

..... Respondent / Petitioner

Prayer: Petition under Article 227 of the Constitution of India, praying to set aside the petition and common order dated 08.03.2024 made in I.A.No.2 of 2023 in M.C.O.P.No.62 of 2016 on the file of the learned Subordinate judge, Karaikal, Union Territory of Puducherry.

C.R.P.No.2565 & 2874 of 2024:

For Petitioner : Mr.Santhosa Kumar in both CRPs

For Respondent : Mrs.H.Kavitha in both CRPs



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COMMON ORDER

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Both the civil revision petitions are directed against the orders passed by the learned Subordinate Judge/Motor Accidents Claims Tribunal at Karaikal condoning the delay of more than 1150 days in filing the applications to set aside the ex parte decree dated 06.03.2020 and 19.02.2019 respectively, subject to the deposit of 50% of the compensation as per the ex parte award without interest and to pay a cost of Rs. 1000/- to each respondent.

2. The petitioner corporation is a State-owned transport corporation. The claim petitions allege that on 18.08.2015, at about 11:00 a.m., the respondent in C.R.P.No.2565 of 2024, who was riding on his TVS XL Super motorcycle with registration number PY-02-K-2338, and his wife, the respondent in C.R.P.No.2874 of 2024, who was riding as a pillion, were severely injured when they were knocked down by a bus owned by the petitioner corporation with registration number TN-01-N-9763. As a result, they filed claim petitions in M.C.O.P. Nos. 53 of 2016 and 62 of 2016 for compensation before the claims tribunal.

3. The petitioner corporation filed their counter statement before the tribunal denying the negligence on the part of its driver. As stated supra, the petitioner corporation remained ex parte and therefore, the claim petitions came



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to be decreed ex parte. The said claim petitions were decreed ex parte on 06.03.2020 and 19.02.2019 respectively. Thereafter, the petitioner corporation filed two separate applications seeking to condone the delay of more than 1150 days in filing the applications to set aside the ex parte decree(s). The said applications were allowed by the tribunal on certain terms as already stated supra. Aggrieved by the conditional orders, the petitioner Corporation is before this court with the present revision(s).

4. Heard both sides.

5. The learned counsel appearing for the revision petitioner(s)/transport corporation would submit that the bus belonging to the corporation bearing Registration Number TN-01-N-9763 was not involved in the collision at all, the trip sheet pertaining to the alleged offending bus would show that the alleged offending bus's movement was not even connected to the collision.

6. On the other hand, the learned counsel appearing for the respondent(s)/claimant(s) would contend that no such defence was raised in the counter-affidavit filed in M.C.O.P.No.53 of 2016, and that the Corporation instead placed the blame on the motorist.

7. Upon considering the merits of the orders under revision, when this court stated that it was not inclined to interfere with the orders under revision,



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the learned standing counsel for the corporation sought this court to reduce the deposit amount in each case to 25%.

8. In quick response to the above, the learned counsel for the respondent(s)/claimants would urge this court that in that event, the claimants may be permitted to withdraw 25% amount in each case subject to certain conditions.

9. In the considered opinion of this court, the request made by the learned counsel for the respondent(s)/claimant(s) for withdrawal of the amount pending disposal of the claim petition might not be acceptable. The petitioner corporation seriously disputes the accident. Therefore, the request for withdrawal of the amount being deposited by the petitioner corporation is rejected.

10. However, considering the submissions made by the learned counsel for the petitioner Corporation, it would suffice if the petitioner Corporation is directed to deposit 25% of the amount directed as compensation under the ex parte decree(s) without interest which would safeguard the interest of the claimants pending disposal of the claim petitions.

In the result, the civil revision petitions are disposed of with a direction to the revision petitioner/transport corporation to deposit 25% of the amount



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awarded as compensation under the ex parte decree dated 06.03.2020 and 19.02.2019 in M.C.O.P.Nos.53 of 2016 and 62 of 2016 respectively, and in other respects the orders of the claims tribunal shall stand undisturbed. The amount as directed above shall be deposited before the claims tribunal within a period of one month from the date of receipt of a copy of this order into the credit of the respective claim petitions. On such deposit of amounts, the claims tribunal shall forthwith invest the same in any one of the nationalized banks in an interest bearing deposit and renew the deposits periodically until final disposal of the claim petitions. Considering the facts and circumstances of the cases, particularly the old age of the claimants, the claims tribunal is directed to proceed with the enquiry in the claim petitions on a day-to-day basis and complete the same as expeditiously as possible, preferably within a period of two months from the date of deposit of 25% of the amount by the transport corporation as directed above. No costs. Consequently, connected CMPs are closed.

17-12-2024

Index : yes / no
Neutral Citation : yes / no

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To

1.The Subordinate Judge, Karaikal, Union Territory of Puducherry.



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N.SATHISH KUMAR.J.,

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