



CRP(MD).No.607 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.607 of 2022 and
CMP(MD).No.14195 of 2023

Maariselvam

: Revision Petitioner

Vs.

1.Murugan

2.United India Insurance Company Ltd.,
77A, 1st Floor,
Sugadi Building,
Railway Feeder Road,
Virudhunagar,
Virudhunagar District.
through the Branch Manager

: Respondents /
Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to call for the records pertaining to the order passed in I.A.No.294 of 2017 in MCOP.No.49 of 2012, dated 16.12.2021 on the file of the Sub Court, Sankarankovil, Thenkasi District and set aside the same.



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For Petitioner : Mr.R.Murugappan
For 1st respondent : No appearance
For 2nd respondent : Mr.C.Karthick

ORDER

This Civil Revision Petition is preferred against the fair and decretal order, dated 16.12.2021 made in I.A.No.294 of 2017 in MCOP.No.49 of 2012, on the file of the Sub Court, Sankarankovil, Thenkasi District.

2. According to the revision petitioner, on 02.08.2010 at about 4.00 p.m., when the revision petitioner was proceeding towards North Pudur Aayakulathan Karai met with an accident, which was caused by the driver of the Van bearing Regn.No.T.N.67 H 7681, who drove the vehicle in a rash and negligent manner, in which the petitioner suffered grievous injuries. Based on the complaint, First Information Report was registered in Crime No.110 of 2010 for the offences punishable under Sections 279 and 338 IPC on the file of the Sankarankovil Taluk Police Station. Thereafter, the revision petitioner filed MCOP.No.49 of 2012 on the file of the Sub Court, Sankarankovil, Thenkasi District against the respondents



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seeking compensation for the injuries suffered by him, However, the said MCOP was dismissed on 05.03.2015 for non-prosecution. According to the revision petitioner, the petitioner was suffering from Jaundice and was taking country medicine. After recovery in the year 2017, the petitioner filed an application for restoration of the above claim petition along with condone delay petition in I.A.No.294 of 2017 to condone the delay of 944 days and the same was dismissed on 16.12.2021. Aggrieved by the same, the present revision is preferred by the revision petitioner herein.

3. The learned counsel appearing for the revision petitioner would submit that there is no negligent on the part of the revision petitioner in filing the restoration petition with delay, but for the reasons set out in the supporting affidavit. However, the learned Subordinate Judge, Sankarankovil without considering the same dismissed the above said application filed by the revision petitioner.

4. On the other hand, the learned counsel appearing for the 2nd respondent / Insurance Company made an objection stating that neither sufficient nor good cause has been shown in the petition for condoning the delay of 944 days in filing the restoration petition. He would further



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submit that the learned trial Judge considering the above said fact rightly dismissed the application which calls for no interference and prays for dismissal of this revision.

5. Heard the learned counsel appearing for both sides and perused the materials available on record.

6. It is not in dispute that the revision petitioner suffered grievous injuries in a road accident. The reasons for the delay is sufficiently explained by the petitioner. Therefore, in the interest of justice and the explanation attributed by the petitioner in the supporting affidavit is convinced, the order passed by the Subordinate Judge, Sankarankovil, Thenkasi District is liable to be set aside. Accordingly, the order passed by the learned Subordinate Judge, Sankarankovil, Thenkasi District in I.A.No.294 of 2017 in MCOP.No.49 of 2012, dated 16.12.2021 is hereby set aside.

7. In the result, this Civil Revision Petition is allowed. However, the petitioner is not entitled for compensation for the delay period and he is also not entitled to interest from the date of filing of the Interlocutory



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Application till the date of restoration of the claim petition. Since the MCOP is of the year, 2012 the learned Subordinate Judge, Sankarankoil is directed to dispose of the case within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

06.11.2024

Index : Yes / No
Internet : Yes/ No
trp

To

The Sub Court, Sankarankovil, Thenkasi District



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K. GOVINDARAJAN THILAKAVADI, J.

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