



C.R.P(MD).No.338 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

C.R.P(MD)No.338 of 2021

Adlin S.Ruban ... Revision Petitioner / Petitioner

Vs

1.Regu
2.The Branch Manager,
United India Insurance Company,
Marthandam,
Kanyakumari District. ... Respondents / Respondents

Prayer : Civil Revision Petition is filed under Section 115 of C.P.C., Constitution of India, to set aside the order in I.A.No.647 of 2017 in M.C.O.P.No.21 of 2014 dated 21.06.2018 on the file of the 2nd Additional Subordinate Court, Nagercoil and re-open the main claim petition in M.C.O.P.No.21 of 2014.

For Petitioner : Mr.M.Punitha Deva Kumar

For R2 : Mr.C.Jawahar Ravindran



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ORDER

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This Civil Revision Petition is filed to set aside the order in I.A.No.647 of 2017 in M.C.O.P.No.21 of 2014 dated 21.06.2018 on the file of the 2nd Additional Subordinate Court, Nagercoil and re-open the main claim petition in M.C.O.P.No.21 of 2014.

2. The claim petition in M.C.O.P.No.21 of 2014 was filed before the Tribunal, seeking compensation amount of Rs.2 Lakhs for the injury sustained by the petitioner in an accident took place on 21.02.2013. Counter affidavit was filed by the respondent herein. Eventhough the petitioner filed chief and affidavit, later failed to appear before the Tribunal. So the petition was dismissed for default. To set aside the same, he filed I.A.No.647 of 2017, after huge delay. That came to be dismissed by the Tribunal. Against which this revision petition is preferred.

3. At the time of hearing, the learned counsel for the respondent fairly conceded that the revision may be allowed by setting aside the order of dismissal passed by the Tribunal and ofcourse waiving the interest for the default period.



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4. Considering the fact that the main petition was filed by the revision petitioner seeking compensation for the injuries suffered by him, I am of the considered view that he should not be penalized for his non appearance. The delay caused may not be given much importance in view of the fact that he may not be entitled for the interest for the default period.

5. With the above said condition, this Civil Revision Petition stands allowed. The order passed by the Tribunal is set aside. There shall be a direction to the Tribunal to restore the main M.C.O.P.No.21 of 2014 to its file and proceed in accordance with law. No costs. Consequently, connected miscellaneous petition stands closed.

05.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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- 1.The Additional District Munsif (FAC), Madurai.
- 2.The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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