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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.2344 of 2023
and
C.M.P.(MD).No.12000 of 2023

The Managing Director,
Tamil Nadu Transport Corporation Kumbakonam,
Office at No.27, Railway Station New Road,
Kumbakonam Taluk,
Thanjavur District.

...Petitioner

Vs.

Thulasi (Died)

1.Malliga

2.Thilagavathy

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of Civil Procedure Code, to set aside the Fair and Decretal order passed in I.A.No.10/2021, dated 26.07.2023 in M.C.O.P.No.218 of 2005 on the file of the Motor Accident Claims Tribunal / Additional Sub Court, Thanjavur and allow this Civil Revision Petition.

For Petitioner : Mr.P.Prabhakaran

For Respondents : Mr.G.Karnan



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ORDER

This Civil Revision Petition is filed to set aside the Fair and Decreetal order passed in I.A.No.10/2021, dated 26.07.2023 in M.C.O.P.No. 218 of 2005 on the file of the Motor Accident Claims Tribunal / Additional Sub Court, Thanjavur.

2. The Civil Revision petitioner is the respondent in M.C.O.P No.218 of 2005. The claimant had filed the said MCOP for injuries suffered due to the accident. After receipt of notice, the Transport Corporation had entered appearance through their Counsel by filing vakalat. Subsequently, they did not file any counter, hence, the Tribunal has passed an ex-parte order, directing the revision petitioner to pay a sum of Rs.2 Lakhs along with 12% interest. Against the said findings, the revision petitioner has not preferred any appeal, immediately. But, they have filed I.A.No.10 of 2021 after lapse of 4838 days of delay to restore the MCOP.

3. After hearing the same, the Tribunal has dismissed the said I.A. No.10 of 2021. Aggrieved over the same, the present Civil Revision Petition is filed in time.



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4. It is seen that the accident was occurred in the year 2003. After the death of the claimant, the revision petitioner had filed the reopening petition. Therefore, in order to meet the ends of justice, this Court is inclined to restrict the claim of the claimant. Therefore, this Court is inclined to grant a sum of Rs.1,00,000/-, as compensation to the claimants. This Court is also reduced interest from 12% from 7.5%.

5. Accordingly, this Civil Revision Petition is allowed. The revision petitioner is directed to deposit a sum of Rs.1,00,000/-as compensation, with 7.5% interest along with Costs, within a period of 8 weeks from the date of receipt of a copy of the order, less the amount if already deposited. If not deposited within the stipulated period, the same shall carry 8% interest. On such deposit being made, the 1 & 2 claimants are permitted to withdraw a sum of Rs.1,00,000/-, as per Law. No Costs. Consequently, connected miscellaneous petition is closed.

09.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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1. The Motor Accident Claims Tribunal/

Additional Sub Court,

Thanjavur.

2. The Section Officer,

Vernacular Records Section,

Madurai Bench of Madras High Court,

Madurai.



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S.SRIMATHY, J.

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Order made in
C.R.P(MD)No.2344 of 2023

09.08.2024