



C.R.P.(MD)No.1137 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.1137 of 2023
and C.M.P.(MD).No.5448 of 2023

The Correspondent,
C.E.O.A.Matriculation Higher Secondary School,
Kosakulam,
Madurai. ... Petitioner/Petitioner/Respondent

Vs.

Muthukani (Died)

Karuppasamy ... Respondent/Respondent/Petitioner

PRAYER : Civil Revision Petition is filed under Section 115 of the Civil Procedure Code, to set aside the fair and decreetal order dated 30.09.2022 made in I.A.No.1346 of 2022 in M.C.O.P.No.268 of 2015 on the file of the MACT (Special District Court), Madurai.

For Petitioner : Mr.S.Sankar

For Respondent : No Appearance

ORDER

This petition has been filed to set aside the fair and decreetal order dated 30.09.2022 made in I.A.No.1346 of 2022 in M.C.O.P.No.268 of



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2015 on the file of the MACT (Special District Court), Madurai.

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2.M.C.O.P.No.268 of 2015 was filed by the respondent seeking compensation of Rs.11,64,000/- with interest and cost. In that petition, the revision petitioner herein remained exparte. So he filed an application to set aside the exparte order with a delay of 955 days. That came to be dismissed by the Tribunal. Against which, this revision is preferred.

3.At the time of passing interim order on 25.04.2023, this Court directed the revision petitioner to deposit a sum of Rs.7,50,000/-. That was also complied on 15.06.2023.

4.Even though notice was served upon the respondent, none appears on behalf of him. His name was also printed in the cause list.

5.Even though the reason for the delay mentioned by the petitioner may not be accepted, considering the fact that the petitioner deposited Rs.7,50,000/- to show their bonafideness, this civil revision petition stands allowed. The order passed by the trial Court is hereby set aside.



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Liberty is granted to the petitioner to take necessary steps to implead the insurance company of the offending vehicle before the Tribunal. The Tribunal shall restore the M.C.O.P.No.268 of 2015 on file, proceed in accordance with law and dispose of the same within a period of three months from the date of adding of the insurance company. No costs. Consequently, connected miscellaneous petition is closed.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
TM

To

- 1.The Special District Judge, Motor Accident Claims Tribunal, Madurai.
- 2.The Section Officer,
E.R.Section/V.R.Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVA,J.

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