



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

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THE HONOURABLE MR.JUSTICE P.B. BALAJI

CMP No.5533 of 2026
in CRP.No.4897 of 2025

M/s.A.B.S.Engineers
Having office at, No. 32, New Street,
Cholapuram, S.M.Nagar,
Chennai-600062.

Appellant(s)

Vs.

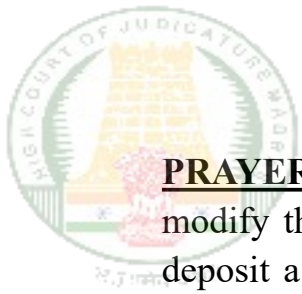
1. Kalyani
W/o. Late Vinayagam, Res. at
Pasumathur Village and Post, Katpadi
Taluk, Vellore District. Now Res. at
Sedukkarai, Gudiyatham, Vellore
District.

2.Kalaivani
D/o. Late Vinayagam, Res. at
Pasumathur Village and Post, Katpadi
Taluk, Vellore District. Now Res. at
Sedukkarai, Gudiyatham, Vellore
District. Kalaiselvam (Died)

3.Kalaimathi
D/o.Late Vinayagam, Res. at
Pasumathur Village and Post, Katpadi
Taluk, Vellore District. Now Res. at
Sedukkarai, Gudiyatham, Vellore
District.

4.The Branch Manager
Oriental Insurance Company Limited,
Office at Katpadi Road, Gudiyatham,
Vellore District.

Respondent(s)



PRAYER: This Civil Miscellaneous Petition filed under Section 151 of CPC, to modify the conditional order dated 17.12.2025 made in CRP.No.4897/2025 to deposit a sum of Rs.3,00,000/- to the credit of the MCOP.No.28/2011, on the file of the Motor Accident Claims Tribunal, Gudiyatham/Subordinate Court, Gudiyatham, Vellore District and permit the petitioner to deposit Rs.1,00,000/- on or before 31.03.2026, and the balance Rs.2,00,000/- in four monthly instalments of Rs.50,000/- each from April to July 2026, and thereby render justice.

For Petitioner(s): Mr.K.V.Muthu Visakan

For Respondent(s): Mr.B.S.Sundaramoorthi
for R1 to R3

ORDER

Heard.

2. The present application has been filed to modify the conditional order dated 17.12.2025 directing to deposit a sum of Rs.3,00,000/- to the credit of the MCOP.No.28 of 2011 on the file of the Motor Accident Claims Tribunal, Gudiyatham /Subordinate Court, Gudiyatham, Vellore District, in order to give an opportunity to the petitioner to contest the secondary application. Considering the fact that the petitioner has suffered an award without being heard.

3. The learned counsel for the petitioner states that the petitioner is intending to comply with the order. However, because of the financial crunch he is facing, seeks modification of the order by seeking permission to deposit a



sum of Rs.1,00,000/- by 31.03.2026 and the remaining amount of Rs.2,00,000/- in four instalments beginning in April, 2026 and ending in July, 2026.

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4. The request for modification of the order is strongly opposed by learned counsel for the respondent contending that the claimants in the OP are all Coolies and despite having obtained an award in their favour, because of the application taken out by the petitioner, they have not been in position to enjoy the fruits of the award passed in the MCOP proceedings.

5. I have gone through the order directing deposit of a sum of Rs.3,00,000/- passed by me on 17.12.2025. The only ground on which, the deposit was ordered was in order to give a fair opportunity to the petitioner to contest the *exparte* award. The petitioner was conscious of the direction issued to deposit the amount of Rs.3,00,000/- even on the date of the order being pronounced on 17.12.2025. He was infact given four weeks time to deposit the said amount from the date of receipt of a copy of this order.

6. In the light of the above, to contend that the petitioner is in financial crunch and that financial year is fast approaching are not justifiable grounds to seek extension. However, considering the fact that an application has been filed on 19.02.2026 after having received the copy of the order on 06.02.2026 and the time granted to the petitioner expires in the first week of March, 2026, I am



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inclined to extend the time to the petitioner to deposit the said sum of Rs.3,00,000/-(Rupees Three Lakhs Only) on or before 01.04.2026. It is made clear that no further extension time will be granted.

27-02-2026

dna

To

The Motor Accident Claims Tribunal,
Gudiyatham/Subordinate Court, Gudiyatham,
Vellore District.



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P.B.BALAJI J.,
dna

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