



WEB COPY

CRP No. 101 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 101 of 2022
and CMP.No.557 of 2022

S.Shanmugasundaram
Old No.9/18 D1, New No.5/45 K.R.Thoppur,
Karukkalvadi, Salem 636 013.

..Petitioner(s)

Vs

1. Thangaroja
W/o.Late Palani, Keerapatty, Harur Taluk,
Dharmapuri District.
2. National Insurance Company Ltd.,
D.O.I. Lrn Compex, Saradha College Road,
Salem 636 007.

..Respondent(s)

PRAYER:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 11.12.2018 passed in I.A.No.537 of 2017 in M.C.O.P.No.341 of 2013 by the Motor Accidents Claims Tribunal, Special Sub Judge No.1, Salem and thus render justice.

For Petitioner(s):

Mr.M.Santhanaraman

For Respondent(s):

R1 – Not ready in notice

R2 – No appearance

ORDER

The challenge in the present Revision is to a order passed by the Court in rejecting an application seeking to set aside the ex-parte decree that had been



passed in a Motor Accident Claims Petition.

WEB COPY

2. The learned counsel appearing for the petitioner would submit that when the petitioner was driving a motor cycle, an accident had taken place due to the negligence of the first respondent who had without any diligent caution had suddenly crossed the road. He would submit that in the said accident, the petitioner had sustained serious injuries and was admitted in the hospital in an unconscious state. After undergoing couple of surgeries, the petitioner was discharged from the hospital. Even thereafter, the petitioner was in continuous treatment as inpatient at various hospitals and as such he was unable to meet his counsel and given instructions for filing the counter for contesting the claim made by the first respondent. In such circumstances, the petitioner was set ex-parte and an ex-parte Award came to be passed directing the second respondent to pay the compensation and recover the same from the petitioner. On coming to knowledge of such an order, the petitioner had approached this Court with an application under Order IX Rule 13 and had explained the circumstances, but the Court below without considering the reasons attributed by the petitioner had dismissed the application.

3. He would submit that the pay and recover order was made by the Tribunal on the finding that the petitioner did not have a valid driving license. He would submit that while the petitioner had examined himself as PW1 and



had produced the discharge summary as Ex.P1 and also the driving license of the petitioner as Ex.P2 and the Tribunal without considering the said exhibits had rejected the claim of the petitioner. He would submit that the petitioner had a valid driving license at the time of the accident and therefore, the liability could not have been passed on the petitioner. Hence, he seeks indulgence of this Court to the order impugned in this Revision.

3. I have considered the submission made by the learned counsel appearing on behalf of the petitioner and had perused the materials available on record before this Court.

4. In a motor accident claim filed by the first respondent herein, the first respondent was benefitted with an Award for the accident involving the petitioner. The second respondent herein had contested the liability that the petitioner herein do not have a valid driving license. As the petitioner remained ex-parte before the Claims Tribunal, the Tribunal holding that the petitioner did not have a valid driving license at the time of the accident had ordered pay and recovery. Even though, the petitioner had filed an application to set aside the ex-parte order, it could be seen that the Award was made on 08.01.2016 in the Motor Accident Claim which was filed in the year 2013. Admittedly, the accident had taken place in November 2012. even though, the petitioner had contended that he had also been admitted in the hospital for the injuries arising



out of the accident and had undergone surgeries, Ex.P1, discharge summary would indicated that the petitioner had been discharged from the hospital on November, 2012. Further the treatment claimed to have been undergone is in the year 2014 for which no proof had been filed by the petitioner. Even assuming that the petitioner had undergone a treatment in the year 2014, no reasons have been stated by the petitioner in his affidavit as to why he had not taken any steps to prosecute the proceedings, much-less in the light of the fact that the petitioner had appeared before the Claims Tribunal as early as in the year 2013 and was set ex-parte only in the year 2015. As the petitioner had entered appearance, he cannot also plead ignorance of the proceedings before the Motor Accident Claims Tribunal.

5. Even though, the Court below had not looked into the issue on the aspect of non-providing of the valid and cogent reasonings, it could be seen that the Tribunal had adjudicated the issue based upon Ex.P2, the license that had been marked by the petitioner to absorb his liability. The Tribunal had categorically found that the Ex.P2, driving license which was issued subsequently by way of renewal and that itself would show that on the date of the accident, the petitioner did not have a valid driving license. This Court also do not find any reasons whatsoever to interfere with the said findings and reasoning given in the impugned order.



6. For the aforesaid reasons, this Civil Revision Petition fails and accordingly, stands dismissed. Consequently, connected miscellaneous petition is also closed. However, there shall be no order as to costs.

25-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GBA

To

1.Special Sub Judge No.1,
Motor Accidents Claims Tribunal,
Salem.

2.The Section Officer,
VR Section,
High Court of Madras, Chennai.



WEB COPY

CRP No. 101 of 2



K.KUMARESH BABU, J.

GBA

CRP No. 101 of 2022

25.03.2026