WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Case QR

DATED: 23-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

CRP No. 1576 of 2025
and
CMP.No.9160 of 2025
CNR: {HCMA011438582023}

TATA AIG General Insurance Co
No.3, Ethiraj Salai, Egmore,
Chennai-8.

..Petitioner(s)

Vs

1. Maheswari

2. Selvarani

3. Minor Sivabakkiyavathi
   D/o. Kasinathan, aged 14 years
   Minor Petitioner represented her
   Mother 1st petitioner Maheswari
   residing at above address

4. Vijayakumar

..Respondent(s)

Civil Revision Petition filed under Section 115 of the Civil Procedure Code, praying to set aside the order dated 23-10-2021 made in I.A.No.387 of 2021 in MCOP.No.14 of 2014, on the file of III Additional District and Sessions Court, Cuddalore at Virudhachalam.

For Petitioner(s): Mr.Vinod K

For Respondent(s): Mr. S. Udhyakumar
(For R1 to R3)

R4 - Left

https://www.mhc.tn.gov.in/judis

WEB COPY

ORDER

The Civil Revision Petition has been filed, challenging the order passed by the Tribunal, dismissing the application filed by the petitioner, seeking to condone the delay of 1,221 days in filing the application to set aside the *ex parte* decree passed against the petitioner.

2. The respondents 1 to 3 have filed a Claim Petition, seeking compensation for the death of one Kasinathan. The petitioner, being the insurer of the offending vehicle, was arrayed as the 2nd respondent in the main Original Petition. In the said petition, an *ex parte* award was passed against the petitioner on 12.07.2017, owing to the non-appearance of the petitioner. Therefore, the petitioner filed an application to set aside the *ex parte* award, along with a petition to condone the delay of 1,221 days. The said condone delay petition was dismissed by the Tribunal. Aggrieved by the same, the petitioner has come before this Court.

3. The learned counsel for the petitioner, by taking this Court to the affidavit filed in support of the condone delay petition, would submit that the matter was entrusted to the panel counsel, one R. Vinayagam and there was no communication from him regarding the progress of the case. Ultimately, he died in the year 2020. Thereafter, the present application has been filed seeking to

https://www.mhc.tn.gov.in/judis

WEB COPY

condone the delay of 1,221 days. The learned counsel submitted that, due to the death of the panel counsel, there was some delay in filing the application and that the Court below erroneously dismissed the same.

4. A perusal of the typed set of papers would indicate that the main Original Petition was posted for filing of counter as early as on 27.08.2015. Though the petitioner / Insurance Company entered appearance through its counsel, R. Vinayagam, the counter was not filed and the petitioner was set ex parte. Thereafter, the ex parte decree was passed against the petitioner.

5. Subsequently, the counsel engaged by the petitioner died during July 2020 due to COVID-19. Thereafter, an application was filed by another counsel on 14.12.2020. Even as per the affidavit filed by the petitioner, the panel counsel of the Insurance Company died only during July 2020. However, the petitioner was set ex parte as early as on 12.07.2017. Hence, the petitioner has no explanation for the delay from the year 2017 to 2020.

6. The reason assigned by the petitioner that there was no communication from the panel counsel is not at all acceptable for condoning the inordinate delay of 1,221 days. In fact, the Tribunal, in the impugned order, pointed out that the petitioner is an Insurance Company, well acquainted with the Court procedures, and that the day-to-day orders of the Courts are being uploaded in

https://www.mhc.tn.gov.in/judis

WEB COPY

the e-courts portal. In spite of the same, the petitioner failed to follow up the case.

7. Taking into consideration the facts and circumstances of the case, the vague plea of the petitioner that there was no communication from the counsel cannot be accepted. The petitioner is not justified in keeping quiet without contacting the counsel for about three years. Therefore, the Tribunal rightly appreciated the facts and refused to condone the delay. I do not find any error in the impugned order.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

kak

To

1. The III Additional District and Sessions Court,
   Cuddalore at Virudhachalam.

https://www.mhc.tn.gov.in/judis

WEB COPY

S.SOUNTHAR, J.

kak

CRP No. 1576 of 2025

23-11-2026

https://www.mhc.tn.gov.in/judis