



C.R.P.No.869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.869 of 2024

Gurumoorthy

... Petitioner

VS.

1.P.V.Hemalatha

2.The Bajaj Allianz General Insurance Co. Ltd,
No.497, 498, 5th Floor, Isnakattina Building,
Poonamallee High Road,
Chennai.

... Respondents

PRAYER: Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set aside the order made in I.A.No.149 of 2021 in M.C.O.P.No.237 of 2016, dated 21.07.2022 on the file of the Motor Accident Claims Tribunal (Subordinate Judge), Poonamallee.

For Petitioner : Mr.K.Varadhakamaraj

For Respondents : No Appearance

ORDER

The Civil Revision Petition is filed challenging the order passed by the Motor Accident Claims Tribunal (Subordinate Judge), Poonamallee in I.A.No.149 of 2021 in M.C.O.P.No.237 of 2016, dated 21.07.2022



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dismissing the application filed by the petitioner to condone the delay of 1040 days in filing to restore the petition filed by him seeking compensation under the provisions of Motor Vehicles Act, 1988.

2. The petitioner, who was a road accident victim filed an application seeking compensation against the respondents in M.C.O.P.No.237 of 2016. The claim petition by the petitioner was dismissed for default on 19.04.2018 as petitioner failed to appear for recording *exparte* evidence. Subsequently, the instant application has been filed to restore the original petition with a delay of 1040 days. In the affidavit filed in support of the condone delay petition, it was stated by the petitioner that at the relevant point of time he was suffering from virus fever and therefore, he could not appear before the Court. The Court below dismissed the application mainly on the ground that the petitioner failed to give any convincing reason for explaining the delay of 1040 days.

3. Taking into consideration, the petitioner is a poor road accident victim and he was prevented from illness from attending the Court at the relevant point of time and to take steps to restore the original petition immediately, this Court is inclined to take liberal view of the matter and



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give one more opportunity to the petitioner to contest the case on merits.

However, the petitioner is not entitled to claim any interest for the delay period of 1040 days in the event of his success in the main original petition.

4. Accordingly, the Civil Revision Petition stands allowed on condition that the petitioner shall pay a sum of Rs.2,000/- to the Taluk Legal Services Authority, Poonamallee, within a period of two weeks from the date of receipt of copy of this order. On payment of the cost as ordered, the civil revision petition shall stand allowed and the impugned order stands set aside. In case of default on the part of the petitioner in paying the cost as ordered, the civil revision petition shall stand automatically dismissed without further reference to this Court. No costs.

5. It is made clear that the petitioner is not entitled to claim interest for the delay period of 1040 days.

02.01.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Motor Accident Claims Tribunal (Subordinate Judge),
Poonamallee.

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S.SOUNTHAR, J.

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