WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2026

CORAM

THE HON'BLE MR.JUSTICE S. SOUNTHAR

C.R.P.No.7068 of 2026
CNR:{HCMA012015952026}

Case QR

N.Dakshinamurthy
S/o.G.Nakeswaran

..Petitioner(s)

Vs

1. J. Sowriah

2. United India Insurance Co.Ltd.,
   No.212, Anna Salai,
   Chennai – 600 006.

..Respondent(s)

Civil Revision Petition filed under Section 115 of C.P.C., to set aside the order and decree made in M.P.No.1 of 2026 in M.C.O.P.No.4646 of 2010 dated 06.03.2026 on the file of the Motor Accident Claims Tribunal, (In the Court of the V Court of Small Causes), Chennai.

For Petitioner(s): Ms.V.Priya
for Mr.K.Varadhakamaraj

O R D E R

This Civil Revision Petition has been filed challenging the order passed by the Tribunal, dismissing the petition filed by the petitioner seeking condonation of delay of 2567 days in filing the petition to restore the main

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

WEB COPY

original petition in M.C.O.P.No.4646 of 2010, which was dismissed for default.

2. The petitioner filed a Motor Vehicles Claims petition seeking compensation for the injuries suffered in a road accident that occurred on 16.08.2008. When the main original petition was posted for enquiry on 28.09.2018, there was no representation for the petitioner and hence, it was dismissed for default. The petitioner filed an application to restore the original petition along with a petition to condone the delay of 2567 days. The said condone delay petition was dismissed by the Tribunal. Aggrieved by the same, the petitioner has come forward with the present Civil Revision Petition.

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 due to viral fever, the petitioner could not appear before the Court on 28.09.2018 and hence, the petitioner may be given an opportunity to conduct the case on merits.

4. If the petitioner was prevented from appearing before the Court on that particular day due to viral fever, he could have filed the petition seeking to restore the main original petition immediately after his recovery. However, there is a delay of 2567 days in filing the restoration petition. The petitioner has not given any valid reason explaining the delay in filing the restoration petition.

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

WEB COPY

5. It is seen from the impugned order that, on the date of dismissal, there was no representation on behalf of the petitioner. If the petitioner was prevented from appearing before the Court due to illness, at least his counsel ought to have appeared before the Court and made his submissions.

6. Taking into consideration the facts of the case, this Court finds that the Tribunal has rightly come to the conclusion that the petitioner has not given any valid reason for condoning the delay and has rightly dismissed the petition. I do not find any error in the impugned order passed by the Tribunal.

7. Accordingly, this Civil Revision Petition is dismissed. There shall not be no order as to costs.

11-11-2026

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

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

WEB COPY

To

The Motor Accident Claims Tribunal,
(In the Court of the V Court of Small Causes),
Chennai.

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

WEB COPY

S.SOUNTHAR J.

ms

C.R.P.No.7068 of 2026

11-11-2026

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