

Babusankar, Vs Marimuthu,

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Court : Chennai

Decided On : Jun-30-2026

Judge : Honourable Mr Justice S. Sounthar

Appeal No. : CRP(MD)/1980/2022

Appellant : Babusankar,

Respondent : Marimuthu,

Judgement :

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT DATED:
30.06.2026

CORAM

THE HON'BLE MR. JUSTICE S.SOUNTAR C.R.P.(MD)No.1980 of 2022 and C.M.P(MD)No.9114 of 2022 1.Babusankar 2.Sivasankar .. Petitioners Vs. 1.Marimuthu 2.Iffco Tokiyo General Insurance Company Ltd., rep. by Branch Manager, Thiripura Arcade, 3rd Floor, D.No.75, Trivandrum Road, Palayamkottai, Tirunelveli District. .. Respondents
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the fair and decretal order dated 27.06.2022 passed in I.A.No1 of 2022 in M.C.O.P.No.429/2016 on the file of the Motor Accident Claims Tribunal, Tirunelveli Special Sub Court dealing with

MCOP Cases, Tirunelveli. For Petitioners : Mr.R.J.Karthick For Respondents : Mr.V.Sakthivel for R1 No appearance for R2 *****

ORDER

This Civil Revision Petition has been filed challenging the order

passed by the Motor Accident Claims Tribunal, Tirunelveli (Special Sub Court dealing with MCOP Cases), dismissing the application filed by the petitioners to set aside the ex parte award passed against them.

2.The first respondent had filed the claim petition seeking compensation for the injuries sustained by him in a road traffic accident involving a car owned by the first petitioner and driven by the second petitioner. Since the petitioners failed to file their counter statement, they were set ex parte and an ex parte award came to be passed against them on 03.10.2019. Thereafter, the petitioners filed an application to set aside the ex parte award along with a petition to condone the delay of 829 days in filing the said application. The Tribunal, upon consideration of the materials placed, dismissed the petition seeking condonation of delay. Aggrieved by the same, the present Civil Revision Petition has been filed.

3.The learned counsel appearing for the petitioners submitted that the first petitioner was not in charge of conducting the case and that the second petitioner, who is his son, was unable to effectively prosecute the matter. It is further stated that the second petitioner was working at Chennai and, therefore, could not properly follow up the case, resulting in the failure to file the counter statement and the passing of the ex parte award.

4.A perusal of the averments made in the affidavit filed in support of the petition to condone delay reveals that the petitioners had received

summons in the main O.P. and had entered appearance through counsel. However, they failed to file their counter statement, and consequently, an ex parte award was passed against them. It is further stated that the first petitioner is a Government Doctor and, therefore, was unable to properly follow up the litigation. It is also stated that the second petitioner, who is the son of the first petitioner, was in charge of conducting the case. However, even he failed to file the counter statement within the stipulated time.

5.The explanation offered for the inordinate delay of 829 days, namely that the second petitioner was employed at Chennai, cannot

be accepted as a sufficient cause. The petitioners have not demonstrated any bona fide reason for their failure to take timely steps to set aside the ex parte award. The Tribunal has rightly appreciated the facts and concluded that the petitioners have failed to explain the delay satisfactorily. This Court finds no illegality, infirmity, or perversity in the order passed by the Tribunal warranting interference.

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

30.06.2026 Index :Yes / No Internet :Yes / No NCC :Yes / No skn To 1.The Motor Accident Claims Tribunal, Tirunelveli Special Sub Court dealing with MCOP Cases, Tirunelveli. 2.The Section Officer, V.R. Section, Madurai Bench of Madras High Court, Madurai.

S.SOUNTHAR, J.

skn C.R.P.(MD)No.1980 of 2022 and C.M.P(MD)No.9114 of 2022 30.06.2026

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