

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
RANIPET, RANIPET DISTRICT.**

Present: Thiru.A.BALAKRISHNAN, B.B.A., L.L.B.,
I Additional District Judge,
Ranipet.

Monday, this the 20th day of April 2026

I.A.No.4/2026
in
MCOP.No.128/2020

1. G.Venkatesan (died)
2. V. Rajkumar
3. V. Ajithkumar

..... petitioners/petitioners.

-Vs-

1. N.S.Babu
2. Divisional Manager
3rd party claim Hub
United India Insurance Company Limited.

....Respondents/Respondents.

This petition is coming before me for final hearing on 18.04.2026 in the presence of Thiru.A.G.Selvaraaj, Advocate for Petitioners/Petitioners and Thiru.S.P.Sampathkumar, Advocate for the 2nd respondent and the 1st respondent called absent and set exparte in main case and upon hearing the arguments of both side and on perusal of all connected material records and having stood over for consideration till this date, this court passed the following;-

ORDER

The petitioners/petitioners have filed the application U/order 9 Rule 9 of CPC, to restore the MCOP which was dismissed for default on 11.11.2025.

1. The 2nd petitioner has filed an affidavit for himself and on behalf of other petitioners stating that he could not attend the court due to suffering from viral fever and he could not contact his counsel to know about the stage of the case and hence the MCOP was dismissed for default on 11.11.2025.

2. The 2nd respondent has filed a counter objection stating that the reason given in the affidavit of the petitioners is false and due to non prosecution of the case on the side of the petitioners, they are not entitled to get interest for the default period, if the MCOP is restored to file.

3. On perusal of records, it is seen that the petitioners have filed the above MCOP.No.128/2020 seeking compensation for the death of one Santha in a motor accident and when the case was posted to enquiry, the petitioners failed to appear before this court and hence, the above MCOP was dismissed for default on 11.11.2025. The petitioners have filed the present application on 17.11.2025 itself. The reason given in the affidavit is not supported by any medical evidence. However in the interest of justice the petition can be allowed so that the petitioners can proceed with the above MCOP which has been filed for compensation for the death of their family member. As the petitioners have filed this application within one week from the date of dismissal and the reason given in the affidavit is sufficient to restore the MCOP, no condition can be imposed for allowing the application.

In the result, the application is allowed. No cost.

Directly dictated by me to the Steno-typist transcribed and typed by her in the computer, corrected and pronounced by me in the open court, on this the 20th day of April 2026.

I Additional District Judge,
Ranipet.