

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL,VELLORE, VELLORE
DISTRICT.
(I ADDITIONAL DISTRICT AND SESSIONS COURT, VELLORE.)**

PRESENT: Tmt. G. Santhi,

Motor Accident Claims Tribunal Judge/
I Additional District and Sessions Judge,
Vellore.

Monday, the 1st day of June 2026.

I.A. No. 2 of 2026 in M.C.O.P. No.457/2025

The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited, Vellore

... Petitioner/ Respondent

Versus

Mohan

... Respondent/Petitioner

The petition is coming up for final hearing before this tribunal on 01.06.2026 in the presence of Thiru. M.Raju, Advocate for the Petitioner and Thiru. R.Karthik, Advocate for the Respondent and the counsel for the respondent endorsed 'No Counter' and upon perusing the entire case records and having stood over for consideration till this day, this Court delivered the following:-

ORDER

The Petition is filed on behalf of the Petitioner under Order IX Rule 7 and Section 151 of CPC., prays to set aside the exparte order passed against the petitioner/respondent on 04.11.2025 and received vakalath filed herewith and pass necessary orders.

2. The averments made in the petition in brief are as follows:

The petitioner herein and he representing as Senior Assistant to the respondent in the above case. The respondent/petitioner filed the above case for claiming compensation as against our corporation and the same was posted on 04.11.2025 for first appearance before this Hon'ble Court. Unfortunately the above case file was mingled with other files in our office, we unable to trace it within time. Due to our non-appearance this Hon'ble Court passed an ex parte order as against our corporation on 04.11.2025 and further posted for ex parte evidence on the side of the respondent/petitioner. Further he came to know the aforesaid ex parte order and other matters. Also our counsel advised me to file set aside petition before this Hon'ble Court. Our non-appearance is neither willful nor wanton. Our corporation has got valid defence on our side in the above case hence we are filing this set aside petition before this Hon'ble Court to set aside the ex parte order passed against me on 04.11.2025. Unless this petition will be allowed our corporation will be put to great loss and hardship.

3. The counsel for the Respondent endorsed 'No objection'.

4. The point for consideration is, whether the petition is to be allowed or not?

5. Heard the learned counsel for the petitioner and perused the records.

Point:

6. On perusal of records, the petitioner was set ex parte on 04.11.2025 for non-

appearance. The petitioner has stated that the case file was inadvertently mingled with other files in the office and therefore could not be traced in time, resulting in the absence of the petitioner on the hearing date. Immediately on coming to know of the exparte order, the petitioner has filed the present petition seeking to set aside the same.

7. The respondent has endorsed "No Objection" for allowing the petition. There is no material to show that the petitioner's absence was wilful or intentional.

8. This Court is of the view that the petitioner should be given an opportunity to contest the case on merits. No prejudice will be caused to the respondent if the exparte order is set aside. Accordingly, this petition is liable to be allowed.

In the result, the petition is allowed. No costs.

Dictated to the Steno-Typist directly and typed by her in computer, corrected and pronounced by me in the open Court, this, the 1st day of June 2026.

Motor Accident Claims Tribunal Judge/
I Additional District and Sessions Judge,
Vellore.

FAIR/DRAFT IA ORDER

IA.No.2/2026 in MCOP.No.457 of 2025
D.O.D.01.06.2026
I ADJ Court, Vellore.