



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2015

CORAM:

THE HON'BLE **MRS.JUSTICE PUSHPA SATHYANRAYANA**

C.R.P. (NPD) (MD) No.311 of 2015
and M.P. (MD) No. 1 of 2015

Vivek : Petitioner/Petitioner/Claimant

Vs.

1.R.Kalimuthu

2.K.J.R.Jayaram Raja

3.The Branch Manager,
M/s.The Oriental Insurance Company Ltd.,
1548, Tenkasi Road,
Rajapalayam - 626 117. : Respondents/Respondents
/Respondents

PRAYER: Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the Docket order dated Nil made in E.P.NO.1 of 2014 made in M.C.O.P.No.433 of 2014 on the file of the Special Subordinate Judge Motor Accident Claims Tribunal, Coimbatore and pass such or other suitable order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.N.Shanmugaselvam

O R D E R

This revision is directed against the return of unnumbered E.P. made by the Motor Accident Claims Tribunal, Coimbatore for want of jurisdiction.

2. Originally, the Claim Petition was filed before Virudhunagar District. By virtue of orders of this court dated 10.02.2014, the same was transferred to the Motor Accident Claims Tribunal, Coimbatore. Award has been passed by the Tribunal on 13.06.2014 and as on date there is no appeal as against the same. While so, the claimants have filed Execution Petition before the Motor Accident Claims Tribunal, Coimbatore, which was returned without numbering on the ground that the said court had no jurisdiction.

3. Without re-presenting the same, by invoking the provision of law, this Civil Revision Petition has been filed by



the petitioner. As per Rule 22 of Tamil Nadu Motor Vehicles Accidents Claims Tribunal Rules, 1989, which shows that the Motor Accident Claims Tribunal shall for the purpose of enforcement of its award, have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908, as if the award were a decree for the payment of money passed by such court in civil suit. As the original petition was transferred from the Court of the Principal District Court, Virudhunagar, at Srivilliputhur to the Special Court for Motor Accident Claims Cases at Coimbatore under Section 24 of C.P.C, which subsequently includes proceedings for execution of a decree of order. Therefore, the Special Court for Motor Accident Claims Cases at Coimbatore, ought not to have returned the Execution Petition.

4. The petitioner is directed to re-present the unnumbered Execution Petition and on such re-presentation being made, the Special Court for Motor Accident Claims Cases at Coimbatore, is directed to number the same, take it on file and dispose of it in accordance with law.

5. With the above directions, this Civil Revision Petition is disposed of. Consequently, connected M.P. (MD) No. 1 of 2015 is closed.

6. The Registry is directed to return the original Execution Petition filed in the typed set of papers to the learned counsel for the petitioner.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To,

The Special Subordinate Judge /
Motor Accident Claims Tribunal, Coimbatore.

Copy to:

The Section Officer,
English Records Section,
Madurai Bench of Madras High Court, Madurai
(To return Original)

+1cc to Mr.N.Shanmugaselvam, Advocate Sr.No.11216
ses
AA/18.03.2015/2p- 4c/

**C.R.P. (NPD) (MD) .No.311 of 2015
and M.P. (MD) No. 1 of 2015
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