



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2016

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M. VELUMANI

CRP (MD).No.652 of 2016 and CMP(MD).No.3024 of 2016

Iffco Tokio General Insurance Company Limited,
No.43/3, 100 Feet Road,
Mudaliarpet, Puducherry.

... Revision Petitioner

Vs.

1. Parameswari
2. Logasenthil
3. Yogapraba
4. M. Prabakaran
5. Prabakaran
6. A. Baskar @ Pragalamdane
7. S. Prasan chand
8. M/s. Lason Motors Private Limited,
No.18, Ellapillai Chavadi Main Road,
Ellapillai Chavadi, Near Rajiv Gandhi Statue,
Puducherry.

... Respondents

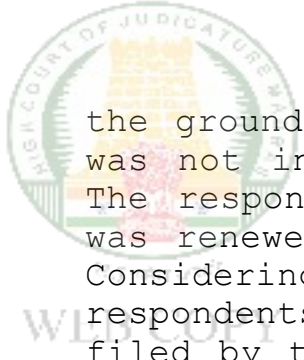
Prayer: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair and decreetal order dated 19.08.2015 made in I.A.No.1529 of 2015 in MCOP.No.60 of 2014 on the file of learned Principal District Judge, Karur.

For Petitioner : Mr. S. Srinivasa Raghavan

ORDER

The Civil Revision Petition is filed against the fair and decreetal order dated, 19.08.2015 made in I.A.No.1529 of 2015 in MCOP.No.60 of 2014 on the file of learned Principal District Judge, Karur.

2. The revision petitioner / Insurance Company is the sixth respondent in MCOP. No.60 of 2014. The respondent filed a claim petition claiming a sum of Rs.20,00,000/- for the death of G. <https://hcservices.pcaut3.gov.in/hcservices/Services/Report.aspx> the accident occurred on 09.11.2011. The petitioner filed I.A.No.1529 of 2014 to strike of their name, on



the ground that on the date of accident, the vehicle in question was not insured with them and the Policy expired on 16.07.2011. The respondents 1 to 3 filed counter and stated that the policy was renewed and the same was in force on the date of accident. Considering the rival contentions of the petitioner and the respondents 1 to 3 the learned Judge dismissed the application filed by the petitioner. Against the said order, the petitioner has filed the present revision.

3. I have heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. From the materials available on record it is seen that the claim of the petitioner is that on the date of accident i.e on 09.11.2011, no Policy issued by the petitioner was in force. On the other hand, the respondents 1 to 3 contended that Policy was in force on the date of accident. The learned Judge has rightly held that this disputed question can be decided only at the time of trial after considering the oral and documentary evidence.

5. In the circumstances, the learned Judge considered all the materials on record in proper perspective and has given valid and cogent reasons for dismissing the Interlocutory Application. Further the learned Judge has exercised his power conferred on him in proper perspective and there is no irregularity or illegality warranting interference by this Court.

6. In the result, the Civil revision petition is dismissed confirming the impugned order dated 19.08.2015 made in I.A.No.1529 of 2015 in MCOP.No.60 of 2014 on the file of learned Principal District Judge, Karur. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

The Learned Principal District Judge, Karur.

+1 cc to Mr. S.Srinivasa Raghavan, Advocate, Sr.No.16798

trp

JM/GVS-PM/13.04.2016/2P-3C