

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M. DURAISWAMY

C.R.P.(PD).No.1105 of 2017

M.Jayamurugesan

... Petitioner

Vs.

1.The Chairman,
The Optimus Public School,
No.550B, Sevagoundanur,
Periyapuliyur, Kavindapadi Main Road,
Bhavani Taluk, Erode District - 638 452.

2.United India Insurance Co. Ltd.,
104-A, Peramanur Main Road,
Peramanur, Salem.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India seeking direction to take the petition on file which is filed in M.C.O.P.SR.No.8203 of 2016 on the file of the Special District Judge, Salem.

For Petitioner : Mr.R.Ezhilarasan

ORDER

Challenging the order passed by the Motor Accidents Claims Tribunal, Special District Judge, Salem in M.C.O.P.SR.No.8203 of 2016, the claimant has filed the above Civil Revision Petition.

2.By order dated 11.01.2017, the Tribunal returned the papers for presenting it before the proper forum. In the order, the Tribunal has observed that the accident had not occurred at Salem District, the claimant is not residing or carrying on business in Salem District and the respondents are also not having their office in Salem District, therefore, the Tribunal at Salem is not having jurisdiction.

3.The learned counsel appearing for the petitioner submitted that even in the Original Petition in M.C.O.P.SR.No.8203 of 2016, in the long cause title, it has been mentioned that the claimant is residing at Omalur in Salem District and also the 2nd respondent is having their office at Peramanur, Salem.

4.When the claimant's address and the 2nd respondent's address are in Salem, the Tribunal should have considered the same and passed appropriate orders.

5.On a reading of the order passed by the Special District Judge, Salem, I am of the view that this aspect was not brought to the notice of the Tribunal. Therefore, I give liberty to the petitioner to make his oral

submissions before the Special District Judge, Salem with regard to the maintainability of the M.C.O.P., before the Special District Court, Salem. The petitioner shall make his submissions before the Special District Judge, Salem within one week from the date of receipt of a copy of this order. After hearing the submissions to be made by the learned counsel for the petitioner, the Special District Judge, Salem, is directed to pass suitable orders with regard to maintainability of the Original Petition.

6. With these observations, the Civil Revision Petition is disposed of.

No costs.

Index : No
Internet : Yes
va

23.03.2017

Note: (i) Issue order copy on 28.03.2017.

(ii) Registry is directed to return the Original Petition to the learned counsel appearing for the petitioner.

To

The Special District Judge,
Salem.

M. DURAISWAMY,J.

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<http://www.judis.nic.in>