

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.3786 of 2014

1.S.Krishnaveni
2.R.Srinivasaraghavan
3.R.Venkatraman

.. Petitioners

Vs.

1.Minor.B.Raghu
Rep. by his natural guardian
father K.Babu
2.K.Babu

.. Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, against the docket order dated 04.08.2014 made in R.No.6206 of 2014 in M.C.O.P.No.103 of 2014 on the file of the Sub Court, Pollachi, Coimbatore District.

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For Petitioners : Mr.C.Veeraraghavan

For Respondents : Mr.C.Prakasam

ORDER

The Civil Revision Petition is filed against the docket order dated 04.08.2014 made in R.No.6206 of 2014 in M.C.O.P.No.103 of 2014 on the file of the Sub Court, Pollachi, Coimbatore District.

2. The petitioners are the claimants and respondents are the respondents in M.C.O.P.No.103 of 2014 on the file of the Sub Court, Pollachi, Coimbatore District. The petitioners have filed the said claim petition for claiming compensation of Rs.20,00,000/- for the death of first petitioner's husband namely, S.Ravishankar in the road accident that occurred on 17.04.2014. Pending M.C.O.P., the petitioner filed R.No.6206 of 2014 under Order 38 Rule 5, Section 151 of C.P.C read with Section 169 of Motor Vehicles Act 1988, for a direction to the respondents to furnish a security for a sum of Rs.20,00,000/- within the time fixed by the Court, failing which, to order attachment.

3. The Tribunal returned the said application without numbering the same stating that the Tribunal has no jurisdiction to entertain the application.

4. Against the said order dated 04.08.2014 made in R.No.6206 of 2014, the present Civil Revision Petition is filed by the petitioners.

5. The learned counsel for the petitioners submitted that as per Section 169 (2) of Motor Vehicles Act, the Tribunal is having all the powers of Civil Court and the Tribunal erred in returning the application on the ground that the Tribunal has no jurisdiction to entertain the application.

6. Heard the learned counsel for the petitioners as well as the respondents and perused the materials available on record.

7. As per Section 169 (2) of Motor Vehicles Act, the Tribunal does not have all the powers of Civil Court as per C.P.C. On the other hand, the Tribunal has all the powers of Civil Court for the purpose of taking evidence on oath and of enforcing attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed. Further, the Tribunal shall be deemed to be a Civil

Court for all the purposes of Section 195 and Chapter XXVI of Cr.P.C. Section 169(2) of Motor Vehicles Act, 1988 reads as follows:

“Section 169 (2) - The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXVI of Cr.P.C., 1973.”

8. A reading of the above Section 169 (2) of Motor Vehicles Act reveals that the Tribunal is deemed to be a Civil Court only for the purpose of mentioning in the said Section. The Tribunal has no power to exercise all the powers of Civil Court conferred under C.P.C. The learned Judge has rightly returned the application on the ground that the Tribunal has no jurisdiction to entertain the application filed under Order 38 Rule 5, Section 151 of C.P.C read with Section 169 of Motor Vehicles Act 1988 and for attachment.

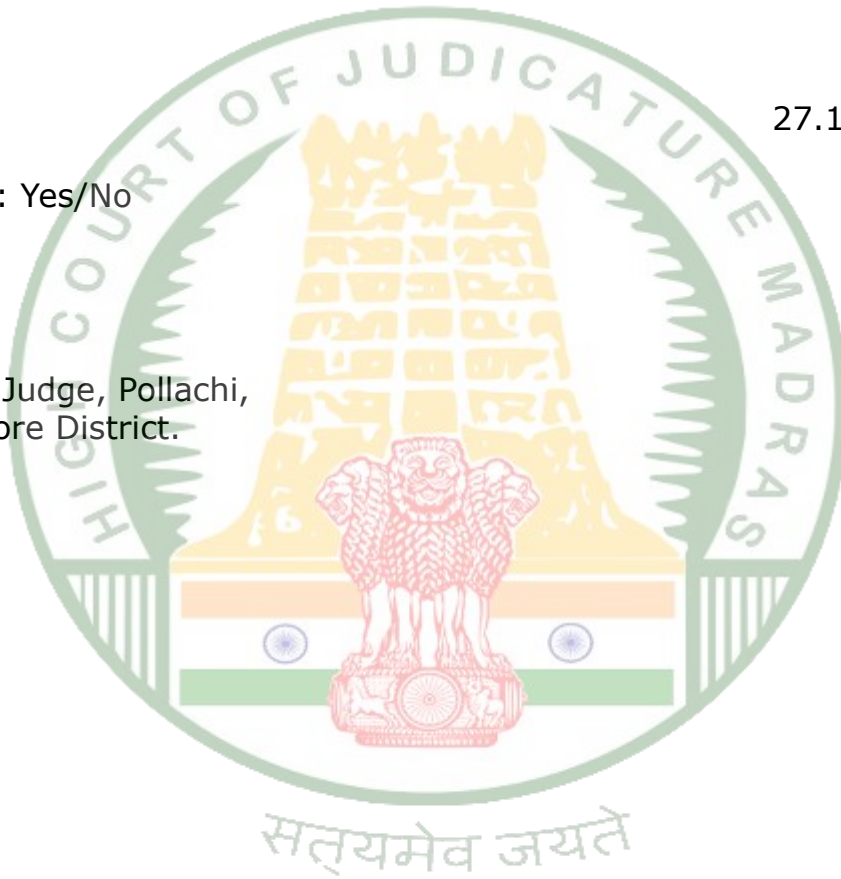
9. In the result, the Civil Revision Petition is dismissed. As the M.C.O.P. is of the year 2014, the Tribunal is directed to dispose the M.C.O.P.No.103 of 2014 within a period of three months from the date of receipt of a copy of this order. No costs.

27.11.2017

Index : Yes/No
dm/kj

To

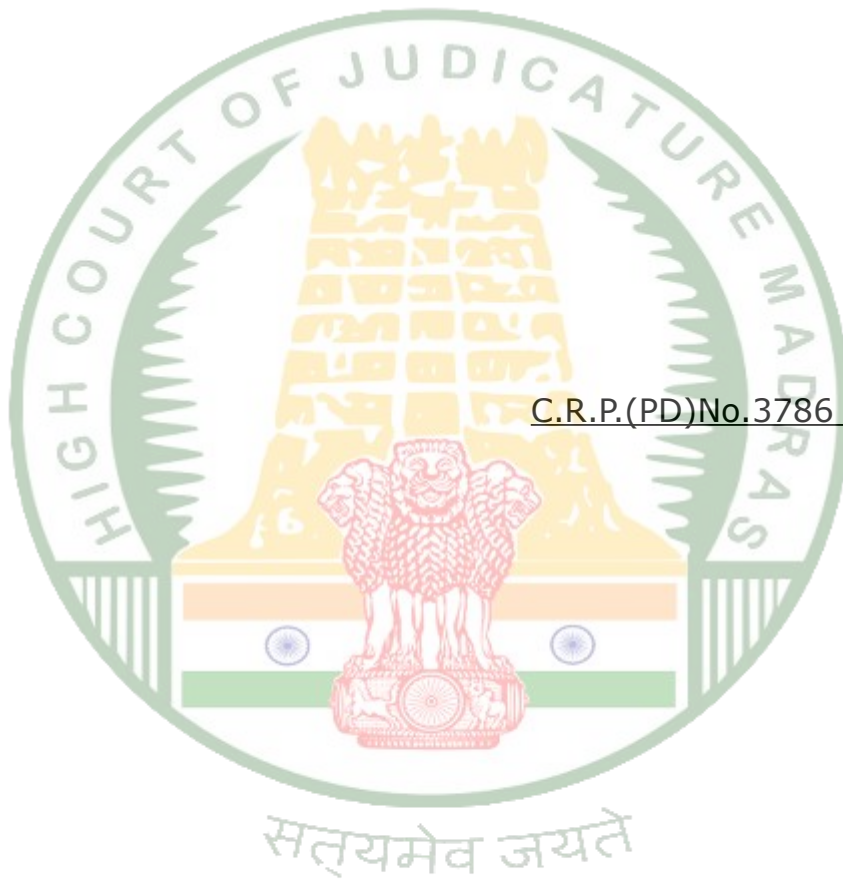
The Sub Judge, Pollachi,
Coimbatore District.



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V.M.VELUMANI, J.

dm/kj



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