



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.394 of 2017 (PD)

1.S.Palaniyammal
2.S.Vinothini
3.S.Vinitha
4.S.Visitra

....Petitioners/Petitioners

Vs.

1.MPA.Soundarapandian
2.The Branch Manager,
ICICI Lombard General,
Insurance Co Ltd.,
15, V.V.Complex,
Bye Pass Road,
Madurai.

...Respondents/Respondents

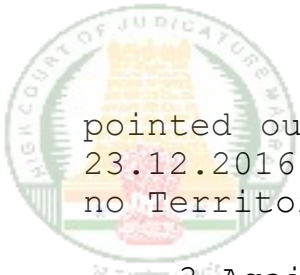
PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, to set aside the returning order, dated 23.12.2016 passed in unnumbered M.C.O.P.SR.No.11248 of 2016 on the file of the Principal District Judge, Madurai and direct the Trial Court to number the M.C.O.P.SR.No.11248 of 2016 and decide the case on merits within the time stipulated by this Court.

For Petitioners : Mr.N.V.Suresh Kumar

ORDER

The petitioners have filed this Civil Revision Petition to set aside the returning order, dated 23.12.2016 passed in unnumbered M.C.O.P.SR.No.11248 of 2016 by the Principal District Judge, Madurai and direct the Trial Court to number the M.C.O.P.SR.No.11248 of 2016 and decide the case on merits.

2.The petitioners filed claim petition for compensation for the death of one Sebasthiyan @ Selvaraj husband of first petitioner and father of petitioners 2 to 4 due to the accident occurred on 25.06.2016 at about 7.00 p.m., at Ramanathapuram to Rameswaram NH 49 Road, Nearby Sathankulam Bust Stop. The petitioners are residing at Door No.2/330, Munian Valasai, Rameswaram, Sathankulam (PO), Ramanathapuram District. The claim petition was returned on various dates to rectify the defects



pointed out therein. Finally, the claim petition was returned on 23.12.2016 on the ground that the claims Tribunal at Madurai has no Territorial Jurisdiction.

3. Against the said return, dated 23.12.2016, the petitioners have come out with the present Civil Revision Petition.

4. The learned counsel for the petitioners referred to Section 166(2) of the Motor Vehicles Act, 1988 and contended that a claim petition is maintainable in the place where defendants are residing. In the present case, the respondents Insurance Company is not having Office at Ramanathapuram and is having Branch Office only at Madurai and therefore, Claims Tribunal at Madurai has Territorial Jurisdiction.

5. The learned counsel for the petitioners relied on the judgment reported in **2016(2) TNMAC 58 (Oriental Insurance Co., Ltd., vs. Muthumeenal) and C.R.P. (NPD) (MD) No.1968 of 2016**. In the above said judgements, it has been held that after referring to Judgments of Hon'ble Apex Court that claim petition is maintainable where the Insurance Company is having Branch Office.

6. In view of Section 166(2) of Motor Vehicles Act, 1988 and above referred judgments, the Civil Revision Petition is allowed and the returning order of the learned Judge, dated 23.12.2016 is set aside and if the petitioners are re-present the claim petition within two weeks from the date of receipt of a copy of this order, the learned Principal District Judge, Madurai is directed to number the same, if it is otherwise in order and hear the matter on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar (CSII)

/True Copy/

Sub Assistant Registrar

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To

The Principal District Judge,
Madurai.

+1cc to Mr.N.V.SURESH KUMAR, Advocate Sr.No.12054

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01.03.2017