

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

CRP (PD) No. 4456 of 2017  
and  
C.M.P NO. 21034 of 2017

Iffco Tokio General  
Insurance Co. Ltd.,  
4th floor, Iffco Bhavan  
No.128 Habibullah Road  
T. Nagar  
Chennai - 600 017.

.. Petitioner

Vs

1. Farida
2. Mohammed Ismail
3. V. Aakash Kumar

.. Respondents

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order and decreetal order dated 17.08.2017 made in M.P. No.2421 of 2017 in MCOP No. 4089 of 2014 on the file of Hon'ble Motor Accident Claims Tribunal cum Court of II Small Causes Judge, at Chennai and pass such further orders.

For Petitioner : Mr. K. Poomalai

For Respondents : Mr. A. Abdul Kani for R1 & R2

R3 - given up

### **ORDER**

This revision petition is filed against the order and decretal order dated 17.08.2017 made in M.P. No.2421 of 2017 in MCOP No. 4089 of 2014 on the file of Hon'ble Motor Accident Claims Tribunal cum II Small Causes Court, at Chennai.

2. The learned counsel for the petitioner would submit that the respondents / claimants have filed MCOP No. 4089 of 2014, under Section 166 of Motor Vehicles Act. The aforesaid case was posted for trial and the respondents/ claimants side evidence was concluded. The case was posted for examination of petitioner/ Insurance Company side evidence. Pursuant to the Subpoena petition filed by the petitioner/ Insurance Company, the Investigating Officer was summoned to appear on 01.03.2017 and he also appeared. The Investigating Officer failed to appear during the subsequent hearings and the evidence was closed on the side of the respondents/ claimants and the case was posted for

arguments. Hence, the petitioner/ Insurance Company filed the instant application to re-open the respondent's side evidence. Although the respondents/ claimants has no objection in allowing the application, the court below dismissed the said application. Challenging the same, the present revision petition is filed before the court below.

3. The learned counsel for the respondents claimants submitted before this Court, that the respondents have no objection in allowing the application.

4. Considering the facts of the case and the submission of the learned counsel for the parties, in order to provide an opportunity to the respondent Insurance Company, the order passed by the court below is liable to be set aside.

5. Therefore, the Civil Revision Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

23.02.2018

D. KRISHNAKUMAR J.,

avr

Index : Yes/ No

Speaking order/ Non speaking order

[Issue order copy next week ]

To  
The II Court of Small Causes Judge  
Motor Accident Claims Tribunal  
Chennai.



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