



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (MD) Nos.954 and 955 of 2017 (PD)
and
C.M.P. (MD) .Nos.4223 and 4224 of 2017

C.R.P. (MD) .No.954 of 2017

1.Sridevi

2.P.Marimuthu

3.P.Gomathi

.. Petitioners /
Respondents / Petitioners

Vs.

M/s.United India Insurance Co., Ltd.,
rep. through its Divisional Manager,
Sriji Chambers, Post Box No.52,
Mount Road,
Coonoor-643 101.

.. Respondent /
Petitioner /2nd respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, against the fair and decretal order, dated 20.01.2017, passed in I.A.No.139 of 2016 in M.A.C.O.P.No.9 of 2011 by the Motor Accidents Claims Tribunal cum Subordinate Court, Palani.

C.R.P. (MD) .No.955 of 2017

1.Pankajam

2.R.Balamurugan

3.R.Kousalya

4.Shanmugam

5.Ponnuthai (Died)

.. Petitioners /Respondents / Petitioners

Vs.

M/s.United India Insurance Co., Ltd.,
<https://hcservices.ecourts.gov.in/hcservices/>
rep. through its Divisional Manager,
Sriji Chambers, Post Box No.52,



Mount Road,
Coonoor-643 101.

.. Respondent / Petitioner / 2nd respondent

PRAYER: Petition filed under Article 227 of the Constitution of India, against the fair and decreetal order, dated 20.01.2017, passed in I.A.No.231 of 2016 in M.A.C.O.P.No.8 of 2011 by the Motor Accidents Claims Tribunal cum Subordinate Court, Palani.

For Petitioners in
both the petitions : Mr.N.Anantha Padmanaban

For respondent in
both the petitions : Mr.A.Elango

ORDER

As the issue involved in both the petitions are inter-related to each other, they are heard together and disposed of by way of this common order.

2. In a road accident, two persons have lost their lives and the revision petitioners are the legal heirs of those two persons and they have filed separate claim petitions in M.C.O.P.Nos.8 and 9 of 2011. While so, the 2nd respondent herein has filed I.A.No.139 of 2016 in M.C.O.P.No.9 of 2011 seeking to produce driving license of the rider of the two wheeler in which the deceased was travelled as pillion rider. The 2nd respondent has also filed I.A.No.231 of 2016 in M.C.O.P.No.8 of 2011 seeking to produce the particulars about the driver of the vehicle which caused the accident. The Court below has directed the revision petitioners herein to submit those particulars within fifteen days, against which these civil revision petitions are filed

3. The learned counsel for the revision petitioners in both the petitions submitted that in the complaint as well as in the claim petitions itself the number of the vehicle which caused the accident has been mentioned and it is for the investigating officer to collect the details as to who drove the vehicles involved in the accident? and as to whether they had driving license at the time of accident or not?. He would further submit that the Tribunal failed to consider that the Insurance Company is having an investigator team and before prosecuting the claim application, the Insurance company would find out whether the claim is genuine or not and the investigator would collect all the details regarding the driver of the vehicles and their act of negligence and therefore, it is needless to direct the petitioners to avail those particulars. He would further submit that though this Court directed the Court below in C.R.P.(MD).No.1872 of 2015, vide order dated 15.09.2015, to dispose of the M.C.O.Ps. within two months from the date of the order, the same was not complied with and the respondent herein has



filed the said applications only to drag on the proceedings and the Court below without considering the same, has erroneously allowed the said applications, and therefore, the order impugned in these petitions may be set aside. Thus, both the civil revision petitions may be allowed.

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4. The learned counsel for the respondent would submit that the investigation has not been done properly and therefore, they filed the said applications before the Court below and the Court below has rightly allowed the said applications and the same need not be interfered with. Thus, he prayed to dismiss both the revision petitions.

5. Heard the learned counsel appearing for the petitioners and the learned counsel for the respondent and perused the records carefully.

6. It is seen that the particulars sought for by the respondent in the interlocutory applications have to be obtained from the concerned Police officials. Without doing so, the respondent has filed those applications and the Court below has erroneously allowed the same. It is also brought to the notice of the Court that for the very same relief, the respondent herein has filed I.A.Nos.341 and 342 of 2015 in M.C.O.P.Nos.8 & 9 of 2011 and the same are still pending and hence, the present interlocutory applications, which have been filed for the very same relief, ought not to have been entertained by the Court below. It appears that as stated by the revision petitioners, only in order to drag on the matter, the said interlocutory applications have been filed by the respondent.

7. In view of the above, the order impugned in these petitions are set aside. The respondent is directed to get the details sought for in the said interlocutory applications from the concerned Police officials. The Court below is again directed to dispose of the MCOPs within a period of two months from the date of receipt of copy of this order. Both the parties are directed to cooperate with the Tribunal to dispose of the suit within the above stipulated period.

8. Both the civil revision petitions are accordingly disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/

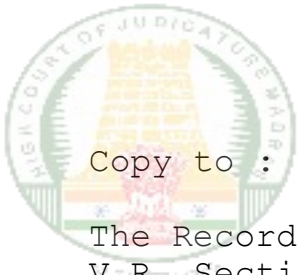
Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal
cum Subordinate Court, Palani.



Copy to :

The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai. (2 COPIES)

+1cc to Mr.A.ILANGO, Advocate, SR.No. 56121

+1cc to Mr.N.ANANTHAPADMANABAN, Advocate, SR.No. 55551

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KK/JC/02.05.2018/SAR-3/4P-6C