



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.09.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRP (MD) No.1768 of 2016 (NPD)

WEB COPY

Veilmuthu

... Petitioner

Vs.

1.V.Jeyaraman

2.M/s.Reliance General Insurance
Company Limited,
No.10/4/4, Thaha Plaza, 2nd Floor,
South Bye Pass Road,
Vannarapettai, Tirunelveli - 627 003.

... Respondents

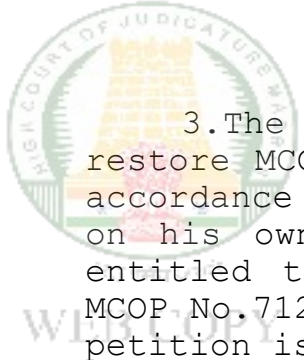
Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 26.02.2013 passed by the learned Motor Accident Claims Tribunal Authority/IV Additional District Judge, Tirunelveli in MCOP No.712 of 2012.

For Petitioner : Mr.A.George Stephen Kanikkari
For Respondents : R1 - Left, R2- No appearance

ORDER

The revision petitioner is a victim of an accident. But, instead of filing one claim for compensation, he filed two claim petitions. One is MCOP No.615 of 2010 before the Motor Accidents Claims Tribunal/Additional Sub Court, Tirunelveli. He also filed MCOP No.712 of 2012 before the Motor Accident Claims Tribunal/4th Additional District Judge, Tirunelveli. Since two claim petitions on the same cause of action are obviously not maintainable, the petitioner withdrew MCOP No.615 of 2010. This was on 13.02.2013. The second MCOP was also dismissed as not maintainable on 26.02.2013. It is this order that is questioned in this civil revision petition.

2.Though this Court has to severely deprecate the practice of filing of two petitions for a single accident, in the interest of justice, the claimant ought to be permitted to pursue one MCOP. Since he has already withdrawn MCOP No.615 of 2010, there cannot be any impediment in pursuing MCOP No.712 of 2012 before MACT/4th Additional District Judge, Tirunelveli. In this view of the matter, this civil revision petition is allowed.



3.The 4th Additional District Judge/MACT, Tirunelveli shall restore MCOP No.712 of 2012 to its file and dispose of the same in accordance with law. Since the petitioner invited such a situation on his own, it is made clear that the petitioner will not be entitled to any interest from 26.02.2013 till the restoration of MCOP No.712 of 2012. No costs.Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The 4th Additional District Judge/
Motor Accident Claims Tribunal, Tirunelveli.

+1CC to Mr.A.George Stephen Kanikkari, Advocate, SR.No.84214

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ES/SKN/RSK/SAR 2/16.10.2018/2P/3C