

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRP.(PD).No.3757 of 2010

and

M.P.Nos.1 & 2 of 2010

Bajaj Allianz General Insurance Co. ltd.,
Coimbatore.

... Petitioner

.Vs.

Ganesan,
S/o.Gandhi,
Residing at 208A, Vasanthapuram Post,
Namakkal District.

... Respondent

PRAYER: Civil Revision petition filed under Article 227 of Constitution of India against the order made in I.A.No.252 of 2010 against award passed in M.C.O.P.No.769 of 2005 on the file of Additional District Judge (FTC), Namakkal.

For Petitioner : Mr.S.Arun Kumar

For Respondent : No appearance

Mr.N.Manihandan
Government Advocate (CS) for CBCID

O R D E R

The Civil Revision Petition has been filed as against the order passed in I.A.No.252 of 2010 in M.C.O.P.No.769 of 2005 by the Additional District Judge (FTC), Namakkal.

2.The trial Court dismissed the application filed by the revision petitioner in I.A.No.252 of 2010 in M.C.O.P.No.769 of 2005, to adjourn the matter till the CBCID investigation is over, on the complaint given by the revision petitioner dated 28.02.2009 to find out whether the accident is true or not. However, the trial Court dismissed the application filed by the insurance company, against which the present revision is filed.

3.Originally the revision petitioner sought time till the investigation is over in this matter and also sought stay of MCOP. During the pendency of the present revision petition before this Court, the Additional Director General of Police, CBCID was issued notice to

know the status of the complaint lodged by the Insurance company. The Inspector of Police (CBCID), Namakkal District filed status report, indicating that the complaint lodged by the Insurance Company dated 28.02.2009 has already been investigated and found that the accident is genuine and no further investigation is required and the complaint has been closed as early as on 17.03.2009. The said status report is taken on record and the copy of the same also furnished on the other side. The only grievance of the revision petitioner is that the closure of the investigation has not been intimated to the insurance company till now. However, the fact remains that the complaint lodged by the insurance company has already been investigated by the CBCID, Namakkal District and status report also filed to that effect. In view of the above, I am of the view that nothing survives in this revision petition. The trial Court shall proceed with the M.C.O.P.No.769 of 2005 as per law and the revision petitioner shall take all his defense before the trial Court. The Inspector of Police (CBCID), Namakkal District is directed to send notice of closure of the complaint dated 28.02.2009 lodged by the Insurance Company to the revision petitioner.

4. With the above directions, this Civil Revision Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sai

To

1. The Additional District Judge (FTC),
Namakkal.

2. The Inspector of Police,
CBCID,
Namakkal District.

+1cc to Mr.S.Arun Kumar , Advocate SR.No. 40031

+1 cc to Government Pleader Sr.No. 39157

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