

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKA RAMAN

C.M.A.No.3353 of 2012

Jagadeesan

... Appellant/Claimant

Vs.

1.Mr.Senthil Kumar
2.M/s.United India Insurance Co.Ltd.,
C-1, (Old No.C-52) First Main Road,
Anna Nagar, Chennai-102.

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the Judgment and decree dated 11.04.2011 in M.C.O.P.No. 53 of 2008, on the file of the Motor Accidents Claims Tribunal, (Subordinate Judge), Madurantagam Taluk, Kancheepuram District for setting aside the order of dismissal of the complainant.

For Appellant :Mr.K.Govi Ganesan
For R1 :Mr.G.Ethirajulu
For R2 :Mr.J.Chandran

JUDGMENT

This Civil Miscellaneous Appeal has been filed by the claimant challenging the order of dismissal of M.C.O.P.No.53 of 2008 on the point of Territorial Jurisdiction to try the M.C.O.P, in Madurantakam Court.

2. After hearing both the parties, it is seen that after full fledged Trial, the Tribunal has held that since the address proof as to the residence of the claimant was not filed, it choose to dismiss the case on the Territorial Jurisdiction.

3. After going through the evidence of P.W.1 and P.W.2 and other documentary evidence, I am of the considered view that instead of remanding the matter to the very same Court, in the interest of justice, the matter is remanded back to the learned Chief Judge, Small Causes Court, Chennai for disposal in accordance with law.

4. Accordingly, to award of the Tribunal made in M.C.O.P.No.53 of 2008 is hereby set aside and the matter is remanded back to the Motor Accidents Claims Tribunal, (Chief Judge), Small Causes Court, Chennai and both the parties are at liberty to adduce any additional evidence, if they are required and the Small Causes Court, Chennai is required to pass an order within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above directions, this Civil Miscellaneous Appeal is disposed of. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

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To

- 1.The Motor Accidents Claims Tribunal
Subordinate Judge, Madurantagam Taluk
Kancheepuram District.
- 2.The Section officer
VR Section
High Court, Madras 104.
- 3.The Motor Accident Claims Tribunal
(Chief Judge) Small Causes Court
Chennai.

+1 CC to Mr.K.Govi Ganesan, Advocate sr 37278

+1 CC to Mr.J.Chandran, Advocate sr 37163.

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NMI (CO)
SP(14/10/2019)