



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2019

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE S. RAMATHILAGAM

C.R.P.[MD]No. 156 of 2019

1. Poobathy
2. Sittarasu
3. Mugilarasu
4. Minor Nilavarasu
5. Veerappan

: Petitioners/Claimants

-Vs-

1. Natarajan
2. The Manager (Law),
Royal Sundaram Alliance
Insurance Company Limited,
Bus Plaza III Floor,
Door No.5G, Lasance Road,
Contonement, Trichy 620001.

3. Latha
4. Minor Navarasu
5. Minor Anbarasi

: Respondents/Respondents

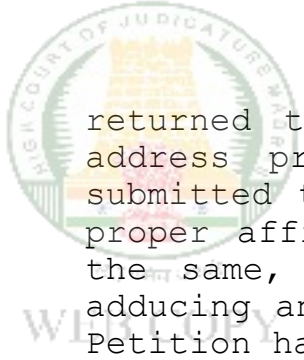
PRAYER: Petition filed under Article 227 of the Constitution of India, to call for the records pertaining to the Return order passed on 11.10.2018 in unnumbered MCOP and quash the same and consequently direct the learned Motor Accident Claims Tribunal, Thanjavur to number and dispose of unnumbered MCOP of 2019.

For Petitioner : Mr. T. A. Ebenezer

ORDER

This Civil Revision Petition has been filed by the petitioners/claimants, to call for the records pertaining to the Return order passed on 11.10.2018 in unnumbered MCOP and quash the same and consequently direct the learned Motor Accident Claims Tribunal, Thanjavur to number and dispose of unnumbered MCOP of 2019.

2. When the matter is taken up for admission, the learned
<https://hcs.cse.courts.gov.in/hcs/revs/> petitioners submitted that the legal representatives
of the deceased, filed a claim petition, before the Motor Accident
Claims Tribunal, Thanjavur, on 14.09.2018 and the Tribunal has



returned the same by requiring affidavit, party's appearance and address proof of the petitioners on 11.10.2018. He further submitted that they also represented the same in person along with proper affidavit, on 31.10.2018 and the Tribunal without numbering the same, returned back it to the petitioner's counsel, without adducing any reason for the returning and hence, the Civil Revision Petition has been filed.

3. Heard the learned counsel for the petitioner and perused the materials available on record.

4. The grievance of the petitioner is that the unnumbered MCOP was returned without any reason assigned in the same. In that aspect, a report was called for, from the concerned Motor Accident Claims Tribunal, Thanjavur. It reveals from the report, dated 09.02.2019, that the Claim Petition was presented by the petitioners/claimants, before the Tribunal, on 14.09.2018 and which was returned for appearance of the party, affidavit and address proof of the petitioners, as per the circular issued by the Hon'ble High Court, in R.O.C. No.53216-A/2018/F-1, P. Dis.153/2018, dated 29.08.2018. Hence, the MCOP case filed by the petitioners was returned on 14.09.2018, only for complying the directions in the said circular whereas the petitioner is not carried out the same.

5. The learned counsel for the petitioner undertakes that they are ready to comply with the directions given by the Tribunal. In the interest of justice and the undertaking given by the petitioners, the petitioners/claimants are directed to file the MCOP petition before the Tribunal after complying the directions of the Tribunal.

6. In the result, the Civil Revision Petition is dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To
The Motor Accidents Claim Tribunal,
Thanjavur.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-47568[F] dated 15/02/2019)

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14.02.2019

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