



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 12.11.2019

CORAM

THE HONOURABLE MS. JUSTICE P.T.ASHA

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Tr.C.M.P. (MD)Nos.222 and 223 of 2019
and
C.M.P. (MD)Nos.5273 and 5274 of 2019

Branch Manager,
Chola N/s. General,
769/7, Bye Pass road,
M.S.R.Complex,
Near ICICI ATM,
Srivilliputhur.

(Policy No.3379/01750742/000/00)

.. Petitioner in both C.M.Ps.

Vs.

1.T.Pavunraji
2.Kangavalli
3.T.Jeyakumar
4.S.Karuppaiah
5.P.Subramanian
6.Regional Director,
National Insurance Company Ltd.,
JK Plaza, 1st Floor,
T.S.No.3622/27,
Santhananthapuram, 5th Street,
Pudukottai.
(Policy NO.641000311710000874)

7.Amul Raj
8.Muniyandi
9.Velankanni
10.Mary
11.Mariappan
12.Pichaiyammal
13.Senthilkumar
14.Ramalakshmi
15.Dhanalakshmi
16.Paulraj
17.Murugeshwari
18.Kaliyammal

.. Respondents in both C.M.Ps.

(Respondents 7 to 18 are suo motu impleaded as the party
respondents vide Court order dated 30.09.2019 made in
Tr.C.M.P. (MD)Nos.222 and 223 of 2019)

Common Prayer : Petition is filed under Section 24 of Civil
Procedure Code, to withdraw M.C.O.P.Nos.55 and 56 of 2018 on the
file of the MACT (Chief Judicial Magistrate), Virudhunagar at

<https://hcservices.ecourts.gov.in/hcservices/>



Srivilliputhur and transfer the same pending for joint trial along with M.C.O.P.Nos.1060, 1085 to 1087 of 2018 on the file of the Motor Accident Claims Tribunal, Tirunelveli.

For Petitioner
(in both C.M.Ps.)

: Mrs.K.R.Shivashankari

For Respondents 1to 3
(in both C.M.Ps.)

: Mr.Thirunavukkarasu

For 6th Respondent
(in both C.M.Ps.)

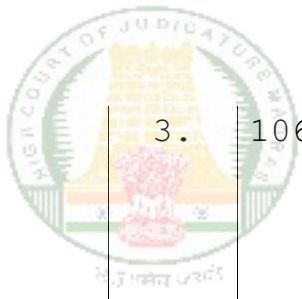
: Ms.D.Maria Vinola

COMMON ORDER

These transfer civil miscellaneous petitions exposes the fraud that is being played, while filing claim petitions before the Motor Accident Claims Tribunal. It is a classic example, where in order to confer jurisdiction on a Tribunal, fictitious addresses falling within the jurisdiction of concerned Tribunal is given and the claim petition is taken on file.

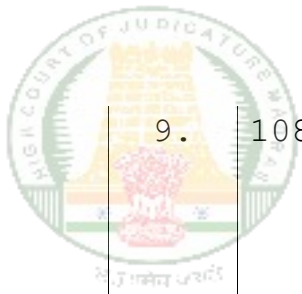
2.The chart herein below reproduced would clearly indicate that all the claimants are residing at Srivilliputhur and not within the jurisdiction of the Motor Accidents Claims Tribunal at Tirunelveli.

Sl. No.	M.C.O.P.No.	Name of the claimants	Address shown in document	Address shown in claim statement
1.	1060 of 2018	Amulraj	RC Street, Mathur, Srivilliputhur Taluk	No.4/93, R.C.Street, Mathur, Maharajapuram, Vir udhunagar District and now residing at Sathya Street, M.K.P.Nagar, Palayamkottai
2.	1060 of 2018	Muniyandi	RC Street, Mathur, Srivilliputhur Taluk	No.5/85, R.C.Street, Mathur, Maharajapuram, Vir udhunagar District and now residing at Sathya Street, M.K.P.Nagar, Palayamkottai



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3.	1060 of 2018	Velankanni		No.2/52- 2/82,R.C.Street, Mathur, Maharajapuram, Vir udhunagar District and now residing at Sathya Street, M.K.P.Nagar, Palayamkottai
4.	1060 of 2018	Mary		do
5.	1085 of 2018	Mariappan	Yathavar South Street, Mathur, Srivilliputhur taluk	No.3/61, Nadutheru, Mathur, Virudhunagar District and now residing at Anna Nagar, M.K.P.Nagar, Palayamkottai.
6.	1085 of 2018	Pichaiyammal		No.3/61, Middle Street, Mathur, Maharajapuram, Virudhunagar District and now residing at Anna Nagar, M.K.P. Nagar, Palayamkottai.
7.	1085 of 2018	Senthilkumar	Yathavar South Street, Mathur, Srivilliputhur taluk	No.6, Vanavil Apartment, Devapalayam, S.S.Kulam, Sarkarsamkulam, Coimbatore and now residing at Anna Nagar, M.K.P.Nagar, Palayamkottai.
8.	1085 of 2018	Ramalakshmi		No.5/162, North Street, Thenpalazi, Madurai and now residing at Anna Nagar, M.K.P.Nagar, Palay amkottai.

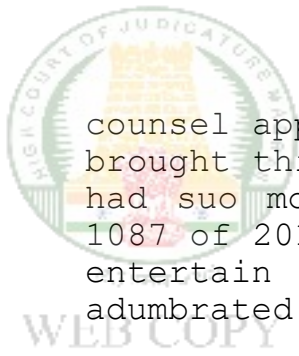


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9.	1085 of 2018	Dhanalakshmi		No.3/179, E, Pudupatti, Thottapanakanar, Usilampatti Taluk, Maduria and now residing at Anna Street, M.K.P. Nagar, Palayamkottai.
10.	1086 of 2018	Paulraj	Yathavar South Street, Mathur, Srivilliputhur taluk	No.3/103, South Street, Mathur, Virdhunagar District and now residing at M.G.R.Street, M.K.P.Nagar, Palayamkottai.
11.	1086 of 2018	Murugeshwari	Yathavar South Street, Mathur, Srivilliputhur taluk	do
12.	1087 of 2018	Kaliyammal	RC Street, Mathur, Srivilliputhur taluk	No.4/116, Church Street, Mathur, Virudhunagar District and now residing at Periyar Street, M.K.P.Nagar, Palayamkottai.

3.A perusal of the FIR filed would also indicate that the accident has taken place within the jurisdiction of the Motor Accident Claims Tribunal at Srivilliputhur. However, the Motor Accident Claims petitions which have been filed before the Motor Accident Claims Tribunal, Tirunelveli, by giving fictitious addresses. This Court has called for records that has been filed along with claim petition and the same also has been produced. The proof of address, which has been filed namely, aadhar card and other documents would indicate that the permanent address of the respective petitioner, is only at Srivilliputhur and no proof has been filed showing the residence of the claimants at Tirunelveli.

4.Though the Transfer Civil Miscellaneous petitions were filed to transfer the two M.C.O.Ps arising out of the very same accident, which were filed by the claimants at Srivilliputhur (M.C.O.P.Nos.55 of 2018 and 56 of 2018) to the file of the Motor Accidents Claims Tribunal, Tirunelveli to be tried along with M.C.O.P.Nos.1060, 1085 to 1087 of 2018. When the petitions filed at the behest of the insurance company had come up after notice the



counsel appearing for the claimants in M.C.O.P.Nos.55 and 56 of 2018 brought this scam to the notice of this Court. Therefore, this Court had suo moto impleaded the claimants in M.C.O.P.Nos.1060, 1085 to 1087 of 2018 as respondents. The Court which has the Jurisdiction to entertain a claim under the provision of the Motor Vehicles Act is adumbrated in Section 166(2) which reads as follows:-

"Section 166(2) of the Motor Vehicles Act, 1988. Every application under sub-section (1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides, and shall be in such form and contain such particulars as may be prescribed"

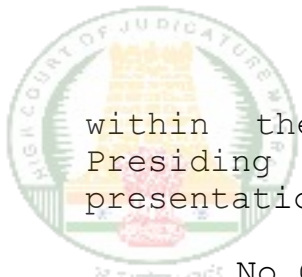
5.Considering the fact that neither the claimants are residing or carrying on business in Tirunelveli nor the accident has taken place within the jurisdiction of the Tribunal at Tirunelveli. The claim petitions in M.C.O.P.Nos.1060 of 2018, 1085 to 1087 of 2018 which were filed before the Motor Accident Claims Tribunal, Tirunelveli is ordered to be withdrawn and transferred to the file of Motor Accident Claims Tribunal cum Principal District Munsif, Srivilliputhur. The Motor Accident Claims Tribunal cum District Court, Tirunelveli, is directed to transmit the entire records in M.C.O.P.Nos.1060 of 2018, 1085 to 1087 of 2018 to the Motor Accident Claims Tribunal cum Principal District Munsif, Srivilliputhur. The Motor Accident Claims Tribunal cum Principal District Munsif, Srivilliputhur, is directed to tag M.C.O.P.Nos.1060 of 2018, 1085 to 1087 of 2018 along with M.C.O.P.Nos.55 and 56 of 2018, which is pending on his file, conduct joint trial and dispose of the same on merits and in accordance with law.

6.In the result, the transfer civil miscellaneous petitions are dismissed with the above directions. While dismissing the transfer civil miscellaneous petitions, this Court is passing the following guidelines, which are to be followed by Motor Accident Claims Tribunal, while entertaining the claim petitions:

(i)The Presiding Officers shall *prima facie* verify as to whether he has the jurisdiction to entertain the claim, for which purpose he may examine the petitioner filing the claim petition.

(ii)The Presiding Officers shall ensure that the address of the claimants that is given in the claim statement is backed by proof of address in form of Aadhar card or Voter ID or any other public document evidencing proof of address and the same shall be entered with the claim petition.

(iii)The Tribunal without such proof being filed, shall not entertain the application. If the claim petition does not fall



within the jurisdiction of the said Tribunal, the concerned Presiding Officer shall immediately return the claim for presentation before the competent Tribunal having jurisdiction.

No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

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Sub Assistant Registrar(CS)

To

- 1.The Motor Accident Claims Tribunal - cum - District Judge, Tirunelveli.
- 2.The Motor Accident Claims Tribunal - cum - Principal District Munsif , Srivilliputhur.

Copy to

1. The Section Officer, VR Section, Madurai Bench of Madras High Court, Madurai (2 copies)
2. The Section Officer, B Section, Madurai Bench of Madras High Court, Madurai
3. The Section Officer, F Section, Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.M.THIRUNAVUKKRASU, Advocate (SR-97797[F] dated 13/11/2019)

+1 CC to Mr.D. RAJKUMAR, Advocate (SR-97859[F] dated 13/11/2019)

+1 CC to Mr.K.R. SHIVA SHANKARI, Advocate (SR-98003[F] dated 13/11/2019)

Tr.C.M.P.(MD)Nos.222 and 223 of 2019
12.11.2019

VB(12.12.2019) 6P 10C