



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Rev.Appl.No.108 of 2020
in C.M.A.No.1830 of 2019

Alagarasi ..Petitioner/6th Respondent

Vs.

1.The New India Assurance Company Limited
83, TSR Big Street
Kumbakonam.

..1stRespondent/Appellant

2.Santhi

3.Sun Transports
34B, Thiruvaidaimaruthur Road
Kumbakonam, Thanjavur District.

4.K.Rajkumar

5.United India Insurance Company Limited,
Door No.266, Kabila Towers, 2nd Floor,
Mettupalayam Salai,
Coimbatore - 641 043.

6.Kaveri

7.Chithra @ Aruna

..Respondents 2 to 7/
Respondents 1 to 5 and 7

PRAYER: Review Petition is filed under Order XLVII Rule 1 of CPC read with Section 114 C.P.C. to clarify the order passed by this Court in C.M.A.No.1830 of 2019 dated 18.03.2019 as the observation in respect of the negligence point in the above appeal will not be a precedent for the appeals filed by the petitioner which are pending before the Hon'ble Division Bench of this Court.

C.M.A.No.1830 of 2019: Civil Miscellaneous Appeal filed against the order and decree of the Motor Accident Claims Tribunal, Sub court, Sankagiri made in MCOP No:202 of 2010 dated 10.11.2017.

For Petitioner : Mr.C.Kulanthaivel
For R1 : Mrs.C.Harini
for Mr.N.Vijayaraghavan



O R D E R

This matter is heard through video-conferencing.

2.This Review Petition is filed to clarify the order passed by this Court in C.M.A.No.1830 of 2019 dated 18.03.2019 as the observation in respect of the negligence point in the above appeal will not be a precedent for the appeals filed by the petitioner which are pending before the Hon'ble Division Bench of this Court.

3.The learned counsel appearing for the review petitioner contended that the review petitioner has filed C.M.P.Nos.3071 and 3439 of 2019 to condone the delay in filing C.M.A.SR.Nos.74933 and 74938 of 2018. This Court by order dated 27.02.2019 condoned the delay, ordered both the C.M.Ps. and directed the Registry to post those appeals along with connected C.M.P.Nos.1944 and 1951 of 2019 in C.M.A.SR.Nos.115015 and 115016 of 2018 pending before the Division Bench of this Court. The appeals were numbered as C.M.A.Nos.1321 and 1327 of 2020 and the same are now pending before the Division Bench. At the time of hearing of C.M.A.No.1830 of 2019 and delivering judgment, this Court granted liberty to the review petitioner to work out her grievances in the appeals pending before the Division Bench. According to the learned counsel appearing for the review petitioner, the said liberty given by this Court was not incorporated in the judgment dated 18.03.2019 made in C.M.A.No.1830 of 2019. The review petitioner has sought for clarification that the observation in respect of the negligence point in the appeal will not be a precedent for the appeals filed by the petitioner, which are pending before the Division Bench of this Court.

4.Heard the learned counsel appearing for the review petitioner as well as the learned counsel appearing for the 1st respondent and perused the entire materials available on record.

5.It is always open to the review petitioner to raise all the grounds available to her in the appeal filed before the Division Bench of this Court and it is for the Division Bench to decide the issue. No such observation is necessary to be made in the judgment dated 18.03.2019 in C.M.A.No.1830 of 2019 for the review petitioner to raise all the grounds before the Division Bench.

6.In the result, the Review Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



To

1. The Subordinate Judge,
Motor Accident Claims Tribunal,
Sankagiri

+1cc to Mr.C.Kulanthaivel, Advocate in SR.NO..37496

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VBA(CO)
rv(06/01/2021)