



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

CORAM

THE HON'BLE MR.JUSTICE **S.S.SUNDAR**

C.R.P.(MD)No.580 of 2020

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Krishnan

:Petitioner

.. Vs ..

1.K.Nandhakumar

2.The New India Assurance Company Limited,
Divisional Office, Thiruvennamalai,
through its Divisional Manager.

:Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records and set aside the returned order, dated 08.07.2020 in Unnumbered M.C.O.P.No. of 2020 on the file of the Motors Accidents Claims Tribunal-cum-District Court, Tirunelveli.

For Petitioner

:Mr.R.Maheshwaran

For R1

:No Appearance

For R2

:Mr.G.Prabhu Rajadurai

ORDER

This Civil Revision Petition is directed against the order passed by the learned District Judge, Tirunelveli in Unnumbered M.C.O.P.No. of 2020, dated 08.07.2020.

2.The revision petitioner, who is the claimant, filed a claim petition before the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli, claiming compensation to the tune of Rs.7,00,000/- for the injury suffered by him due to an accident, that occurred within the jurisdiction of Motor Accidents Claims Tribunal, Tenkasi. Though the petitioner is residing at Kadayam, which is now form part of Tenkasi District and the accident took place near Kadayam, which comes within the jurisdiction of Tenkasi District, the claim petition was presented before the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli, by stating that the second respondent/Insurance Company has a Divisional Office at Trivandrum Road, Palayamkottai, Tirunelveli. Though there is an averment in paragraph-9 of the petition, as to the existence of a Divisional Office of Insurance Company in Palayamkottai, Tirunelveli, the short cause title and long cause title shows that the Insurance Company through the Divisional Office at Thiruvennamalai. Since the entire cause of action arose outside the jurisdiction of the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli, the claim petition filed by the revision



petitioner was returned with a direction to file before the appropriate forum, by order dated 08.07.2020. Aggrieved by the same, the above revision petition is filed.

3.The learned Counsel for the revision petitioner submitted that in paragraph-9 of the claim petition, the petitioner has promptly stated that the second respondent is having its Divisional Office at Tirunelveli, which comes within the jurisdiction of the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli. However, by mistake, instead of referring to the Divisional Office at Tirunelveli, the Divisional Office at Thiruvannamalai was wrongly mentioned in the short and long cause title. Since the lower Court has returned the claim petition without considering the claim petition and the specific statement as to the jurisdiction of the Tribunal, the learned Counsel for the revision petitioner submitted that the revision petition should be allowed on condition that the claim petition should be amended in tune with the paragraph-9 of the claim petition.

4.The learned Counsel for the second respondent has no serious objection. The learned Counsel for the second respondent has admitted the position that the claim petition before the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli, is maintainable, going by the statement in paragraph-9 of the claim petition. He further submitted that the Insurance Company has a Divisional Office at Tirunelveli. In the said circumstances, the learned Counsel fairly conceded that the claim petition is maintainable before the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli, once the short and long cause title is amended by describing the second respondent as an establishment through its Divisional Office at Tirunelveli.

5.Having regard to the facts and circumstances of the case and the specific stand taken by the second respondent himself, this revision petition is allowed with the following directions:

1)The order of learned District Judge, Tirunelveli in Unnumbered M.C.O.P.No. of 2020, dated 08.07.2020, is set aside.

2)The petitioner is permitted to re-present the claim petition after making necessary amendments in the long and short cause title describing the second respondent, as the Insurance Company through its Divisional Office at Tirunelveli.

3)If the petitioner is not willing to present the petition with the amendment as indicated above, it is made clear that the Motor Accidents Claims Tribunal-cum-District Court, Tirunelveli will not have the jurisdiction and the Motor Accidents Claims Tribunal, Tirunelveli, is at liberty to deal with such petition in the manner known to law.



6.With the above directions, this Civil Revision Petition is allowed. No costs. Registry is directed to return the original claim petition filed along with this petition to the learned Counsel for the petitioner.

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Sd/-

Deputy Registrar (LA&M)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr

To

The District Judge,
(Motors Accidents Claims Tribunal) Tirunelveli.

Copy to

The Section Officer,
VR Section
Madurai Bench of Madras High Court,
Madurai.(2Copies)

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-14599[F] dated 21/08/2020)

C.R.P. (MD) No.580 of 2020
20.08.2020

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