

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD) No.164 of 2021

1. Kavitha, W/o. Govindasamy
 2. Minor Ganesh Kumar, S/o. Govindasamy
 3. Pavunuyammal, W/o. Subramanian
- ... Petitioners

Vs.

1. K. Kumar S/o. Krishnan
 2. The New India Assurance Co. Ltd.
Door No.105, Railway Station Road,
Thiruppur Taluk, Vellore District,
Having Branch Office at
Paramathy Road, Namakkal Town,
Namakkal.
- ...Respondents

Prayer: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the learned District Judge, (Motor Accident Claims Tribunal), Namakkal, to expedite and dispose of the application with respect of MCOP No.76 of 2013 within the time frame.

For Petitioners ... Ms. N. Premalatha

For Respondents ... No Appearance

ORDER

The Civil Revision Petition has been filed praying to direct the learned District Judge, (Motor Accident Claims Tribunal), Namakkal, to expedite and dispose of the application with respect of MCOP No.76 of 2013 within the time frame.

2. The learned counsel for the petitioner would submit that on 24.06.2012 at about 03.00 P.M., when the husband of the petitioner was proceeding in a motor cycle along with the petitioner and their minor son, namely Pasupathi, from Thiruppathur to Dharmapuri Road towards Dharmapuri, a Mini Bus belonging to the first respondent came in opposite direction and dashed against the motor cycle, due to which, the 1st petitioner, her husband and their son were grievously injured and they were rushed to the nearby hospital, but the son of the petitioner died on the same day. Under such circumstances, the husband of the 1st

petitioner herein filed an application in M.C.O.P.No.76 of 2013 before the learned Additional District Judge, (Motor Accident Claims Tribunal), Namakkal claiming compensation under Section 166 of MV Act. Later, the husband of the petitioner has also died. Hence, the legal heirs of the deceased filed an application for amendment before the Trial Court and the same was also allowed. Thereafter, the application seeking for compensation was posted for enquiry and the same has been periodically adjourned for various reasons without commencement of Trial. Aggrieved by the same, the petitioners have preferred this petition before this Court seeking for a direction to the Court below to dispose of the case within the time framed by this Court.

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

4. On perusal of the records, it is seen that after the demise of the son of the 1st petitioner, the husband of the 1st petitioner and the petitioners herein have shifted their residence to Namakkal District.

Subsequently, the 1st petitioner's husband also died. Despite the petitioners have been residing in Namakkal for the past 7 years, even after the demise of her husband, the case is being adjourned for the purpose of lack of jurisdiction, for appearance of parties and enquiry so on from the year 2013.

5. On perusal of the record, it is seen that most of the adjournments are caused to for non-appearance of the petitioners during the enquiry. Hence, the petitioners are directed to appear before the Court below whenever the case is listed for enquiry and hearing, thereby unnecessary adjournments can be avoided. Further, the petitioners are directed to produce their address proof before the Court below for ascertaining the Court's Jurisdiction within a week if they have not produced before the Court below. As the case of the year is 2013, the learned Additional District Judge/Motor Accident Claims Tribunal, Namakkal, is directed to conduct the enquiry after calling upon the parties in accordance with law and dispose of M.C.O.P.No.76 of 2013, within a period of six months from the date of receipt of copy of this order.

6. Accordingly, the Civil Revision Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

10.02.2021

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

lbm

To

The learned District Judge,
(Motor Accident Claims Tribunal), Namakkal,

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V.BHAVANI SUBBAROYAN, J.,

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