

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P.(PD)No.94 of 2021

Kavitha

... Petitioner

Vs.

1.K.Kumar

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: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to direct the learned Additional District Judge, (Motor Accident Claims Tribunal), Namakkal to expedite and dispose of the application with respect of M.C.O.P.No.692 of 2013 within the time frame.

For Petitioner : Mr.R.Nalliyappan

ORDER

The limited prayer sought for in the present petition is for a direction to the trial Court to dispose of M.C.O.P.No.692 of 2013 within a 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 hit against the motor cycle, due to which, the petitioner, her husband and her son were grievously injured and they were taken to the nearby hospital, but the son of the petitioner died on the same day. Under such circumstances, the petitioner herein along with her husband has filed an application in M.C.O.P.No.692 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 petitioner herein filed an application for amendment and the same was also allowed and thereafter, the application seeking compensation was posted for enquiry and the learned Judge has been periodically adjourning the case, stating that the Court below has no jurisdiction to entertain the above case. Aggrieved by the same, the petitioner has preferred this petition before this Court.

3. Heard Mr.R.Nalliyappan, learned counsel for the petitioner and perused the materials available on record.

4. On perusal of the records, it is seen that after the demise of the petitioner-s minor son, the petitioner and her husband shifted their residence to Namakkal District. Subsequently, the petitioner-s husband has also died. Taking into consideration the aspect that the petitioner has been residing in Namakkal for the past 7 years, even after the demise of her husband, this Court directs the petitioner to produce the address proof before the Court below, within a period of one week from the first hearing date, for ascertaining as to whether her residential address falls within the jurisdiction of the said Court and after receiving the same from the petitioner, the Court below is directed to proceed further in the case.

5. In the light of the above observations, the learned Additional District Judge/Motor Accident Claims Tribunal, Namakkal, is directed to proceed with the case further in accordance with law and dispose of M.C.O.P.No.692 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. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sbn

To

1. The Additional District Court,
Namakkal.

KV(CO)

SM/03/03/2021

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