

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2021

C O R A M

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

C.R.P (P.D.) No.766 of 2020

1.V. Sampathkumar,
2. S. Mohanapriya,
3. S. Kaviyakanagatharani .. Petitioners

Vs.

1.Mr. Arju,
2.R. Jagadeeswari,
3. Bharathi AXA General Insurance Co. Ltd.,
Coimbatore Branch, Sony World Building,
965, Avinashi Road, Coimbatore. .. Respondents

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PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India praying to set aside the Docket order dated 22.11.2019 passed by the IIIrd Additional Judge, Dharapuram in unnumbered I.A. in M.C.O.P. No.528 of 2013.

For Petitioners ... Mr.S. Karthikei Balan

For Respondents ... No appearance

ORDER

The Civil Revision Petition has been filed against the order dated 22.11.2019 in unnumbered I.A. in M.C.O.P. No.528 of 2013 on the file of the IIIrd Additional Judge, Dharapuram, for returning the same.

2. The petitioners herein were awarded the compensation amount of Rs.18,39,317/- by an order dated 08.09.2015 in M.C.O.P. No.528 of 2013 on the file of the IIIrd Additional Tarapuram and the same is not paid even after a laps of 4 years. Hence, the petitioners have filed an interim application seeking for the payment of compensation before the Lower Court. By order dated 22.11.2019, the IIIrd Additional Judge, Tarapuram, returned the unnumbered I.A for the reasons that the case file in M.C.O.P. No.528 of 2013 was sent to this Court for Vigilance enquiry regarding Fake Court Stamp paper and certified copy of the award was not produced. Aggrieved by the aforesaid order, the petitioners have

filed the present Civil Revision Petition for their appropriate relief as prayed for.

3. The learned counsel for the petitioner would submit that the learned counsel who had appeared in the lower court did not bring to the knowledge of the petitioners with regard to the award passed by the Lower Court in favour of the petitioners nor has given certified copy of the award. Hence, the petitioners were not able to produce the certified copy of the award before the Court below. Hence, this Civil Revision petition has been filed to set aside the order dated 22.11.2019 passed by the IIIrd Additional Judge, Dharapuram in unnumbered I.A. in M.C.O.P. No.528 of 2013.

4. On perusal of the records, it is seen that after filing this Revision petition, by order dated 31.08.2020, this Court directed the Registry to get the report from the Registrar (Vigilance). After receiving the report of the Registrar (Vigilance), by order dated 05.10.2020, this Court observed as follows:

"Report of the Registrar (Vigilance) is perused. Report from the Forensic Science Department is awaited. However, the Registrar (Vigilance) has already addressed a letter to the concerned Sub-Court and District Court No.III, Trippur, to receive the entire original case records.

Post the matter on 28.10.2020."

5. When the matter is listed today, on perusal of the records, it is seen that even though a letter was addressed to the concerned Court, ie. District Court No.III, Tiruppur, by the Registrar (Vigilance) to receive the entire original case records, there is no progress in this case. In view of the delay of report from Forensic Science Department, the petitioners cannot suffer. Hence, the Registrar (Vigilance) is directed to return the entire case records in M.C.O.P. No.528 of 2013 issued by the Court below. On receipt of the same, the Court below is directed to take on file the M.C.O.P. No.528 of 2013 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of copy of this order.

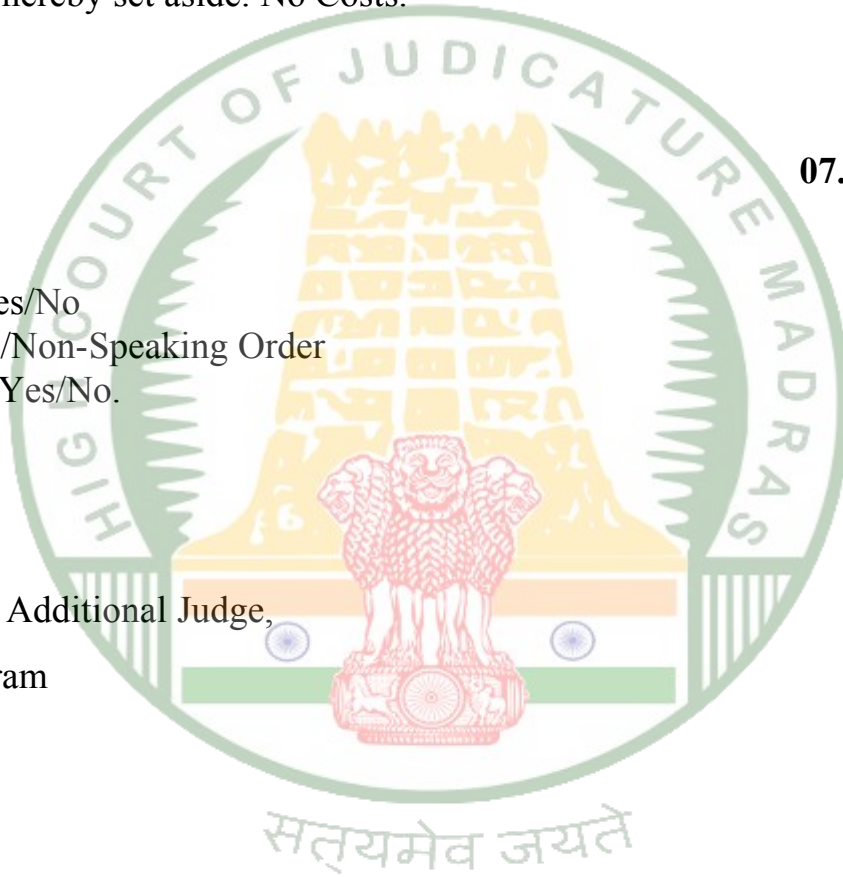
6. In the result, the Revision petition stands allowed.
Consequently, the order dated 22.11.2019 passed by the IIIrd Additional
Judge, is hereby set aside. No Costs.

07.01.2021

Index: Yes/No
Speaking/Non-Speaking Order
Internet: Yes/No.

Lbm

To:
The IIIrd Additional Judge,
Dharapuram

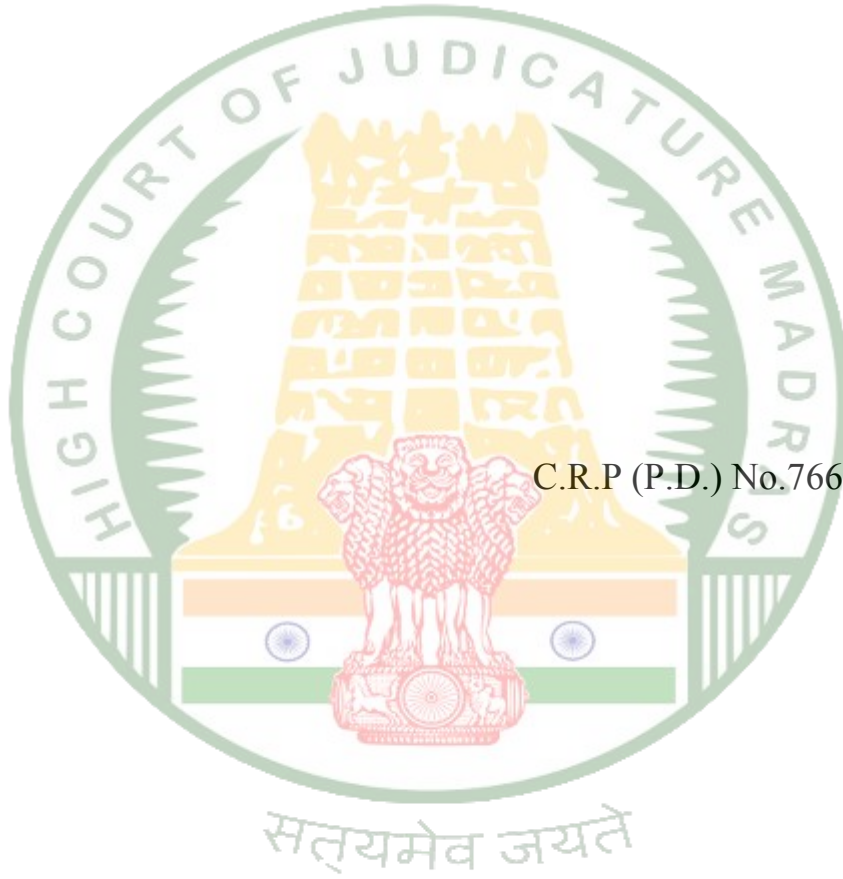


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V.BHAVANI SUBBAROYAN, J.,

lbm



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