



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.06.2021
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
CRP (PD) (MD)No.881 of 2021

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K.Suresh

... Petitioner/Claimant

versus

1. G.Mahindran

2. The Branch Manager,
The Oriental Insurance Co. Ltd.,
Lakshmi Complex, Salai Road,
Thillai Nagar, Trichy - 18. ... Respondents/Respondents 1&2

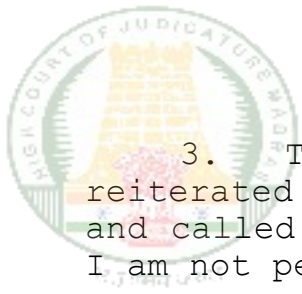
Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, against the order passed by the learned Special Subordinate Judge, Motor Accident Claims Tribunal, Trichy, in M.C.O.P.No.2261 of 2013, dated 03.09.2015.

For Petitioner : Mr.P.Pethu Rajesh

ORDER

This Civil Revision Petition is directed against the order dated 03.09.2015, passed by the Special Sub Court (Motor Accident Claims Tribunal), Trichy.

2. The revision petitioner is the claimant in M.C.O.P.No.2261 of 2013, filed before the Motor Accident Claims Tribunal, Trichy. The petitioner had suffered injury in an accident that had taken place on 25.06.2012 at Kottampatti-Natham main road. The plaintiff was riding a two-wheeler and a TATA Magic Van bearing Reg.No.TN59AX 9825 belonging to one Mahendran had caused the accident. The petitioner was taking treatment in a hospital at Trichy. Therefore, the claim petition was filed before the Motor Accident Claims Tribunal, Trichy. When the matter was taken up for disposal, an objection was raised by the Insurance Company as regards territorial jurisdiction. Sustaining the said objection, the impugned order dated 03.09.2015 was passed, transferring the case to the Sub Court, Melur. It is stated that thereafter, the case records were transferred to the Sub Court, Melur. The Sub Court, Melur, declined to accept the same on the ground that appropriate procedure was not adopted and returned the case records. Now case records are stated to be in the Record Section, Motor Accident Claims Tribunal, Trichy. Since more than eight years have lapsed and the case is still in cold storage, this Civil Revision Petition has been filed, challenging the transfer order passed by Special Sub Court (Motor Accident Claims Tribunal), Trichy.



3. Though the learned counsel appearing for the petitioner reiterated all the contentions set out in the Memorandum of Grounds and called upon me to set aside the order impugned in the revision, I am not persuaded by the aforesaid submissions.

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4. Section 166(2) of Motor Vehicles Act, 1988, states that a claim petition can be filed before the Motor Accident Claims Tribunal having jurisdiction over the area, in which the accident occurred or where the claimant resides or carries on business or within the local limits, where the defendant resides.

5. In this case, the accident did not occur within the territorial limits of the Motor Accident Claims Tribunal, Trichy. The claimant is also not residing within its territorial limits. The offending vehicle was insured at Madurai. Merely because the claimant was taking treatment at Trichy, that will not confer jurisdiction on the Motor Accident Claims Tribunal, Trichy, to take up the matter. The impugned order has been correctly passed and no interference is called for.

6. However, taking note of the facts and circumstances, the case records in M.C.O.P.No.2261 of 2013 are transferred to the Special Sub Court (MCOP cases), Dindigul. Since the accident had taken place way back in the year 2012, the Transferee Court is directed to dispose of the matter, within a period of four months from the date of receipt of the records. The Special Sub Court (Motor Accident Claims Tribunal), Trichy, is directed to transmit the records forthwith and without any delay to the Special Sub Court (MCOP cases), Dindigul.

7. Accordingly, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The Special Subordinate Judge,
Motor Accident Claims Tribunal, Trichy.
2. The Special Sub Court (MCOP cases),
Dindigul.

Copy to
The Registrarl Judicial
Madurai Bench of Madras High Court,
Madurai

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