



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P (MD)No.1598 of 2021

R.Selvaraj

... Petitioner /Petitioner

Vs.

1.R.Muniyasamy

2.M/s.Cholamandalam General Insurance Company Ltd.,
Micro Office,
Manapparai Main Road,
Kulithalai-639 104,
Karur District.

... Respondents

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Motor Accident Claims Tribunal/Sub Court, Kulithalai, Karur District to number the returned unnumbered M.C.O.P.No. of 2021 and allow the civil revision petition.

For Petitioner : Mr.N.Sudhagar Nagaraj

For R2 : Ms.K.R.Shivasankari

ORDER

This civil revision petition is filed by the claimant challenging the returns made by the Motor Accident Claims Tribunal/Sub Court, Kulithalai, Karur District, asking the claimant to file the claim petition before the jurisdictional Court.

2.The accident, which is the subject matter of claim petition, had occurred at Kulithalai- Musiri Bye Pass Road. The claimant is residing at Musiri, Trichy District. The claimant has filed the claim petition before the Motor Accident Claims Tribunal at Kulithalai on the ground that the second respondent/insurance company has an office at Manapparai Main Road, Kulithalai at Karur. The second respondent has disputed the above fact stating that they do not have any office at Kulithalai.

3.When the matter had come up for admission, this Court had directed notice to the second respondent returnable by 12.11.2021. On 12.11.2021, when the matter was listed, this Court had directed



the petitioner to file proof to show that the second respondent has an office at the given address.

4.Today, when the matter was listed, the learned counsel for the petitioner has produced the photograph showing a room, which contains a notice board with the name of the second respondent. However, a keen look at the said notice board, would indicate that it is the address of the agent of the second respondent and not the second respondent's office. The learned counsel would submit that even the Office of an agent would be the Office of the principal. The Court is unable to subscribe to this argument, particularly, when the second respondent has its Office both at Karur as well as Trichy. It is rather strange that learned counsel for the claimant would insist on having the claim petition filed before the Motor Accident Claims Tribunal at Kulithalai. The photograph that has been produced also does not inspire the confidence of this Court and it appears to be a photograph taken just for the sake of showing some proof before this Court.

5.Be that as it may, since the claim petition has been filed before the Court which has no jurisdiction, this Civil Revision Petition is dismissed and the petitioner is directed to comply with the return made by the Tribunal and present the claim petition before the jurisdictional Court.

6.The Registry is directed to return the original claim petition to the petitioner, after getting necessary acknowledgements.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

cp

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.

To:-

1.The Motor Accident Claims Tribunal/Subordinate Judge,
Kulithalai,
Karur District.

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



2.The Section Officer, E.R.Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.SHIVA SHANKARI, Advocate (SR-40065[F] dated
22/12/2021)

WEB COPY

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