



CRP.No.3172 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

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1.Sathiyamoorthy ... Petitioner
2.Kiruba
3.Minor Advik
(Minor Advik represented by his father
and natural guardian Sathiyamoorthy)

Vs.

1.Kumar
2.The Branch Manager
National Insurance Co.Ltd.,
No.1718, Visodhan Tower first Floor
West Main Road,
Thanjavur Town and District. ... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order made in Unfiled MCOP of 2022 dated 29.07.2022 on the file of the Motor Accident Claims



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Tribunal-cum-Additional District and Sessions Judge, Mayiladuthurai,
by allowing this Civil Revision Petition.

For Petitioners : Mr.T.Gobinath

ORDER

This Civil Revision Petition is filed, challenging the order passed by the Court below rejecting the claim petition filed by the petitioners in Unfiled MCOP of 2022 on the file of the Motor Accident Claims Tribunal-cum-Additional District and Sessions Judge, Mayiladuthurai, dated 29.07.2022.

2. The petitioners herein filed a claim petition seeking compensation for death of daughter of the petitioners 1 & 2. The third petitioner is the brother of the deceased Dakshina in a road accident that had taken place on 07.04.2022.



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3. The claim petition was rejected by the Court below mainly on the ground that the petitioners failed to produce the legal heirs certificate along with the main OP. The petitioners produced self declaration form before the Tribunal, however the Tribunal refused to consider the same and rejected the OP on the ground that the petitioners failed to furnish the copy of the legal heirs certificate. Now, challenging that order, the petitioners are before this Court.

4. Now, in this revision, the learned counsel for the petitioners produced the copy of the legal heirs certificate dated 27.06.2022 issued by the Thasildar, Sirkali, mentioning the petitioners 1 & 2 as father and mother of the deceased Dakshina. Therefore, there may not be any impediment for the petitioners to produce the legal heirs certificate before the Tribunal below and get the OP numbered. Therefore, the impugned order passed by the Court below rejecting the claim petition filed by the petitioners is set aside and the matter is



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remanded back to the file of the Court below. The petitioners 1 & 2 are at liberty to produce the legal heirs certificate issued by the Competent Authority before the Tribunal below and on production of the legal heirs certificate, the Tribunal is directed to number the MCOP claim petition, if it is otherwise in order.

5. With the above direction, this Civil Revision Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes / No
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To

The Motor Accident Claims Tribunal-cum-
Additional District and Sessions Judge, Mayiladuthurai.



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