



C.R.P.No.3224 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3224 of 2022

Padma

.. Petitioner

Vs.

1. Kuppusamy

2. Appass

3. The Manager,

Tata AIG General Insurance Company Ltd.,

Office at 159-A, 1st Floor,

Parimalam Complex, Mettur Road,

EVN Road, Erode - 638 011.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, pleaded to direct the MACT/Special District Court to deal with MCOP cases at Erode, to take on file and number the claim petition pending in MCOP Filing No.494 of 2022 (SR.No.2153) dated 22.04.2022 and to decide the same on merits in accordance with law.

For Petitioner : Mr.MA.P.Thangavel

ORDER

The Civil Revision Petition is filed seeking a direction to the Motor Accident Claim Tribunal, Erode to take on file and number the claim petition in MCOP filing No.494 of 2022.



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2. According to petitioner, a road accident victim filed the petition seeking compensation for the injuries suffered by her in road accident and the petition was presented on 22.04.2022 and the same was returned by the Tribunal on 20.06.2022 pointing out five defects. The revision petitioner represented her papers and giving her explanation for the defects pointed out by the Tribunal. The perusal of the docket entry in the original claim petition would suggest that the papers were returned on 14.07.2022 and 04.08.2022 stating that earlier return holds good. Aggrieved by the same, the revision petitioner has come up with this revision.

3. When a litigant approaches the Court seeking compensation for the injuries suffered by her in road accident and if the tribunal finds that there is defect in the petition, it has to return the papers by pointing out all the defects in a comprehensive way. If the litigant represents papers and by offering his/her explanation for the defects pointed out by the Tribunal and the same is not satisfactory, it is expected that the tribunal shall call the matter in open Court hearing, offer the litigant to put forth this case and pass a considered order. It is not desirable to keep the claim petition pending in an unnumbered stage for months together by returning the papers again and again.



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4. Therefore, in view of the same, this Court is inclined to issue a direction to the Tribunal to call the matter in open Court hear the revision petitioner and pass a considered order with regard to the explanations offered by her within a period of (3) three weeks from the date of receipt of a copy of this order.

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

12.10.2022

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Index: Yes/ No

Internet : Yes / No

Note: Registry is directed to return the original claim petition filing No.494 of 2022 dated 22.04.2022 to the petitioner.

To

The Motor Accident Claim Tribunal, Erode .



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S.SOUNTHAR, J.

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