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C.R.P.No.3978 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3978 of 2022

1. Alamelu
2. Naveen
3. Minor Keerthiga
(Minor represented by her mother Alamelu)
4. Parvatham
5. Sivapragasam @ Prakasam

... Petitioners

Vs.

1. Boopathi Raja
2. The Managing Director,
Tamilnadu State Transport Corporation
(Salem-Division-I) Ltd,
No.12, Ramakrishna Road,
Salem-7.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleaded to allow the Civil Revision Petition and direct to take on file of the MCOP filing number 6007 of 2022 on the file of the Motor Accidents Claims Tribunal Special District Judge, Salem without asking for Jurisdiction which was returned on 28.10.2022.

For Petitioners : M/s.S.P.Yuaraj

For Respondents : No Appearance

ORDER

Aggrieved by the order of return dated 28.10.2022, the revision petitioners are before this Court.



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2. The petitioners herein are the claimants in un-numbered Motor Vehicles Claim Petition No.6007 of 2022 on the file of the Motor Accidents Claims Tribunal (Special District Judge, Salem).

3. The petitioners who are legal representatives/Dependants of the deceased Thirunanam who died in motor accident that occurred on 29.04.2022. The claim petition was returned by the Tribunal on the ground, it did not possess jurisdiction to entertain the same. The petitioners represented the papers on 26.10.2022 by relying on Section 166 (2) of the Motor Vehicles Act. It is the case of the petitioners that the 2nd respondent Tamilnadu State Transport Corporation is having a branch office at Salem within the territorial limits of Tribunal and hence under Section 166 (2) of the Motor Vehicles Act, the petitioners are entitled to maintain the petition before the Tribunal below.

4. Notwithstanding, the explanation offered by the petitioners, the claim petition was returned by the Tribunal stating previous returns were not complied with. Aggrieved by the same, the revision petitioners are before this Court by way of revision.



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5. If the Court below is not satisfied with the explanation offered by the petitioners, it is expected to call the matter in open Court and hear the petitioners, on its objection and pass a considered order. Instead of following the said procedure, retuning the papers again cannot be appreciated. Therefore, this Court is inclined to issue a direction to the revision petitioners to represent the unnumbered claim petition with filing No.6007 of 2022 before the concerned Court within a period of two (2) weeks from the date of receipt of copy of this order. On such representation, the Tribunal below is directed to call the matter in open Court and hear the petitioners on ground of jurisdiction and pass a considered order. Registry is directed to return the original un-numbered claim petition in filing No.6007 of 2022 to the counsel for the petitioners. Accordingly, this Civil Revision Petition is disposed of. No costs.

02.12.2022

Index: Yes/ No
Speaking Order / Non-Speaking Order
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Note: 1. Issue order copy on 06.12.2022

2. Registry is directed to return the original un-numbered claim petition in filing No.6007 of 2022 to the counsel for the petitioners.



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S.SOUNTHAR, J.

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To

1. The Special District Court,
MACT, Salem.
2. The Managing Director,
Tamilnadu State Transport Corporation
(Salem-Division-I) Ltd,
No.12, Ramakrishna Road,
Salem-7.

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