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C.R.P.Nos. 4032, 4033 & 4035 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

C.R.P.Nos. 4032, 4033 & 4035 of 2022

1. Saravana Kumar

...Petitioner
in CRP. No. 4032 of 2022

2. Rajapathi

..Petitioner
in CRP. No. 4033 of 2022

3. Sundararajan

..Petitioner
in CRP. No. 4035 of 2022

Vs

1. Vishal

2. The Zonal Manager,
M/s. Oriental Insurance Co., Ltd.,
D.No. 16, KJR Complex,
Vadakku Veli Veethi,
Madurai Bazaar,
Madurai – 625 001
(Policy No. 215700/31/2019/259475)

...Respondents in all CRPs

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to allow the above CRP by directing the speedy disposal of MACOP Nos. 1482/2020, 1483/2020 & 1989/2020 on the file of Chief Judge, Court of Small Causes, Chennai.



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For Petitioners

: Mr. K. Govi Ganesan

COMMON ORDER

The civil revision petitions are filed for speedy disposal of MACOP 1482/2020, 1483/2020 & 1989/2020.

2. The revision petitioners filed an accident claim applications before the Chief Judge, Court of Small Causes, Chennai. The claim applications are pending for the past about two years and the revision petitioners who sustained grievous injuries are unable to get rightful compensation under the provisions of the Act. The application was initially filed in the year 2019 on the file of the Motor Accident Claim Tribunal, Paramakudi, which was transferred to Chennai in the year 2020. Thus, the case is pending for the past about four years and the victims are unable to get compensation.

3. It is brought to the notice of this Court that several motor accident claim cases are pending before the Tribunal for a long time. Issuing a direction for a speedy disposal in one or two cases would not solve the issue. High Court cannot discriminate the litigants in the matter of speedy



disposal. Speedy disposal being a right is to be conferred equally to all the litigants in an uniform and consistent manner. Any priority to a particular litigant will lead to a wrong impression on functioning of the courts and thus the accident claims are to be disposed of as expeditiously as possible and the lawyers who all are appearing in the litigation, are also expected to co-operate with the presiding officers for early disposal. Unnecessary adjournments on flimsy grounds are to be avoided. Whenever the matter is listed for hearing, the lawyer and the parties may co-operate for early disposal. The presiding officers are expected not to grant unnecessary adjournments in a routine manner. Long adjournments are also to be averted. After commencement of trial, it is to be continued on day to day basis, without adjourning the matter for long time. The courts are bound to regulate the proceedings in such a manner to ensure that the cases are disposed of without any unreasonable delay.

4. In the present case, the accident claim applications are pending for about four years. The tribunals may utilize the facilities provided through the detail accident report (DAR), which is available in the online police website. In the event of utilizing the informations available under the DAR, the proceedings can be concluded little more earlier. Therefore, the



tribunals are requested to utilize the facilities for quick disposal of the accident claim cases.

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5. High court cannot issue a direction for speedy disposal in a routine manner, since the work pressure, number of cases on board before the tribunal and other infrastructure issues being faced by the tribunals are also to be taken into consideration. It may not be practically possible for the tribunals to dispose of all the cases within a reasonable period of time. The judicial officers are also serving on certain difficult circumstances since there are other infirmities in the matter of providing better facilities and infrastructures. High cannot direct the presiding officer to dispose of a particular case in a speedy manner depriving the rights of all other litigants who are waiting for the similar relief for disposal of their own accident claim cases. Discrimination in the matter of speedy disposal is to be avoided as far as possible. All the litigants are to be treated equally irrespective of their status, position or the stature of the counsel, who is appearing for the particular litigant, that is very important.



6. Taking note of all the complex facts and circumstances, this Court is of the opinion that the accident claim tribunal itself has to formulate a procedure for the purpose of speedy disposal in a practical and pragmatic manner and a direction in this regard undoubtedly would cause prejudice to the other litigants, who are all also waiting for such speedy disposal of the accident claims.

7. With these observations, petitions stand disposed of. No costs.

13.12.2022

Index : Yes / No
Speaking order / Non-Speaking order
mrn

To
The Chief Judge,
Court of Small Causes, Chennai.



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S.M.SUBRAMANIAM, J.

mrn

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