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CMP(MD)



19

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Monday, the Seventh day of February Two Thousand and Twenty Two
PRESENT

The Hon`ble Mr.Justice RMT.TEEKAA RAMAN

CMP(MD) No.5268 of 2019

IN

CMA(MD) No.441 of 2019

1. BALUCHAMY
2. ANNAPOORANI
3. GAYATHRI

... PETITIONERS/APPELLANTS

Vs

1. MURUGESAN
2. THE BRANCH MANAGER,
NATIONAL INSURANCE COMPANY LIMITED,
KUMBAKONAM.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to receive the mark the (i) legal notice dated 06.12.2018 of M/s.Toyota Financial Services India Ltd and (ii) Arbitration Award dated 07.04.18 passed in Toyota /RB/ 4569/ Lot-51/29 as additional documents.

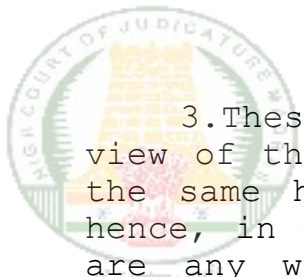
PRAYER IN CMA(MD) No.441 of 2019 :

Pleased to set aside the Judgment and decree 18.01.2019 passed in MCOP No.379 of 2015 on the file of the Hon'ble Motor Accidents Claims Tribunal, Additional District Court (Fast Track) Kumbakonam.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.G.PRABHU RAJADURAI, Advocate for the petitioner and of MR.S.SRINIVASA RAGHAVAN, Advocate on behalf of the 2nd Respondent, the court made the following order:-

Heard Mr.G.Prabhu Rajadurai, learned counsel for the petitioner and Mr.S.Srinivasa Raghavan, learned counsel for the second respondent.

2.This Civil Miscellaneous Petition has been filed to receive the additional documents, namely, ownership certificate issued by M/s. Toyota Financial Services India Ltd., being legal notice issued by M/s. Toyota Financial Services India Ltd., and the arbitration award passed in respect of the very same vehicle involved in the accident.



3. These two documents are necessary to receive in-view of the decision to be arrived as who has to take vehicle and the same has to be subjected to cross-examine by other side and hence, in the interest of justice, I find that these two documents are any way connected to arrive at the aforesaid decision and reasonable award to be passed and hence, the award passed by the Motor Accident Claims Tribunal/Fast Track Court, Kumbakonam, in MCOP No.379 of 2015 dated 18.01.2019 is set aside and remitted back to the very same Tribunal and the receipt of documents and the cross-examination, if any and finding thereto is to be recorded and submitted within twelve weeks from the date of uploading of this order upon the official website of this Court. Therefore, the Civil Miscellaneous Petition in C.M.P.(MD)No.5268 of 2019 is allowed.

4. Post C.M.A(MD)No.441 of 2019 after receipt of report from the Motor Accident Claims Tribunal/Fast Track Court, Kumbakonam.

sd/-
07/02/2022

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/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

THE ADDITIONAL DISTRICT JUDGE,
(FAST TRACK), MOTOR ACCIDENT CLAIMS TRIBUNAL,
KUMBAKONAM.

COPY TO
THE SECTION OFFICER,
V.R.SECTION, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate SR-875[I]

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate SR-846[I]

ORDER IN
CMP(MD) No.5268 of 2019 IN
CMA(MD) No.441 of 2019
Date : 07/02/2022