



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P. (MD) .No.1097 of 2022

and

C.M.P. (MD) .No.4379 of 2022

M/s.Bajaj Allianz General Insurance
Company Limited,
Divisional Office,
No.184/25, KPS Shopping Arcade,
Bye Pass Road,
Madurai - 625 010.

... Petitioner/Petitioner
2nd Respondent

Vs.

1.Thamarai Selvi
2.Minor S.Iswarya
(Minor 2nd Respondent Rep. by her
Mother /next friend Tmt.S.Thamarai Selvi)
3.Mookkammal

... Respondents 1-3/
Respondents 1-3/
Petitioners 1-3

4.M.Mariskannan

... 4th Respondent/
4th Respondent/
1st Respondent

Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the returned order passed in Unnumbered I.A.SR.No.1214 of 2022 in M.C.O.P No.1449 of 2018 on the file of the Motor Accidental Claims Tribunal (Special District Judge) Madurai, dated 23.04.2022 and direct the Lower Court to number the interlocutory application in I.A.SR.No.1214 of 2022 in M.C.O.P No.1449 of 2018 on the file of the Motor Accidental Claims Tribunal (Special District Judge) Madurai.

For Petitioner : M/s.K.R.Shivashankari

ORDER

The contention of the petitioner is that the respondent Nos.1 to 3 herein have filed a claim petition in M.C.O.P No.1449 of 2018

<https://hcservices.ecourts.gov.in/hcservices/>



on the file of the Motor Accident Claims Tribunal, (Principal District Judge) Madurai. He further states that the accident happened on 31.12.2007 and the claim petition has been filed after a lapse of more than ten years. The petitioner/2nd respondent in order to avoid the delay in filing counter has filed formal counter immediately. Thereafter it was advised to file the elaborate counter and hence the petitioner had filed a petition along with additional counter. The prayer in the Interlocutory Application was that the petitioner/2nd respondent preferred an I.A application seeking permission of the Court to receive an additional counter. The lower Court failed to entertain the petition, since the case is at the argument stage. Aggrieved over the same, the present Civil Revision Petition has been preferred.

2. It is seen that the petition along with additional counter was filed at the stage of arguments, the lower Court had declined to entertain the petition. In order to grant substantial justice this Court is of the considered opinion that the petitioner / 2nd respondent ought to have granted permission to file an additional counter. Substantial justice can be rendered, only if the authorities submit their version of the case. If the petitioner/2nd respondent was not allowed to submit their case, it would be seriously prejudiced.

3. Therefore this Court is inclined to allow the Civil Revision Petition and hence it is allowed. The lower Court is directed to number the I.A and time shall be granted for filing reply to the counter. Thereafter, the case may be proceeded for further hearing.

4. The original I.A. petition filed before this Court shall be returned to the petitioner. The petitioner is directed to submit the Xerox copy of the impugned order and Registry is directed to return the original I.A. to the petitioner.

5. This Civil Revision Petition stands allowed as stated surpa. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar(CS-)

// True Copy //

23/05/2022
Sub Assistant Registrar(CS)



WEB COPY

1.The Motor Accidental Claims Tribunal (Special District Judge),
Madurai.

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

3.The Section officer,
E.R.Section,
Madurai Bench of Madras High Court,
Madurai.(to return the original I.A. to the petitioner)

+1 CC to M/s.K.R. SHIVASHANKARI, Advocate (SR-23917[F] dated
20/05/2022)

**C.R.P. (MD) .No.1097 of 2022
20.05.2022**

am(CO)
TR(23.05.2022) 3P 6C