



C.R.P. No. 772 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 30.03.2023

CORAM:

**THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI**

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1. Padmini,  
W/o. Sivaraj
2. Minor Sadhana  
D/o. Sivaraj
3. Minor Aswin,  
S/o. Sivaraj
4. Gowri,  
W/o. Krishnan  
Petitioners 2 and 3 are minors,  
rep. By 1<sup>st</sup> petitioner, mother  
natural guardian and next friend

... Petitioners

Vs.

1. G.Sakthivel  
S/o. Gopi
2. ACKO General Insurance Ltd.,  
414, 3<sup>rd</sup> floor, 17<sup>th</sup> Main 100 ft. Road,  
Koramangala, Bangalore,  
Karnataka-560 034.



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3. Managing Director,  
Tamil Nadu State Transport Corporation,  
Ramakrishna Road, Salem.

.. Respondents

**PRAYER :** Civil Revision Petition filed under Art. 227 of Constitution of India, to direct the trial court to number the M.A.C.T.O.P. SR. No.50 of 2023 on the file of Sub-Judge, Ulundurpet dated 10.01.2023.

For Petitioner : Ms.R.Poornima

For Respondents 1 and 3 : No appearance

For 2<sup>nd</sup> respondent : Ms.G.Biessy

### **ORDER**

The Revision Petitioners are the claimants in an unnumbered Original Petition and the same was filed by them for claiming compensation for the death of 1<sup>st</sup> petitioner's husband Sivaraj. As all the four revisions petitioners are the legal heirs of deceased Sivaraj, they have filed a Claim Petition before the Sub-Court, Ulundurpet, but the same was refused to take on file, since the accident was happened at Salem, and so, they ought to have filed the claim petition before the Salem Court. Again, the same was represented



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by mentioning Sec. 166(1)(2) of Motor Vehicles Act, even then their petition was not taken on file. Hence, they have filed this Civil Revision Petition to give a direction to the trial court to take the claim petition on file.

2. Ms. G.Biessy, learned counsel for 2<sup>nd</sup> respondent appeared and strongly objected to consider this Civil Revision Petition.

3. Sec.166(1)(2) of Motor Vehicles Act is very clear that either at the place of accident or the place, where they are residing, and now, they are residing at Ulundurpet. On a bare perusal of records, it reveals that the petitioners are residing at Ulundurpet and having residence at Ulundurpet, so, they are entitled to file the claim petition before the Sub-Court, Ulundurpet, but the clerk as well as Presiding Officer have returned the claim petition, who have not applied their mind and simply returned the petition, which makes them to travel to this court unnecessarily. Therefore, this Court reserves its right to call for explanation from the judicial officer as well as from the concerned clerk, on what basis, the said return was made and the same was made by non-application of mind. Accordingly, this Civil



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Revision Petition is disposed of and the petitioners are directed to present the Claim Petition within a period of one week from the date of receipt of copy of this order and thereafter, the learned trial judge is directed to take claim petition on file and number the same within a period of two weeks. No costs.

**30.03.2023**

Index : Yes / No  
Internet : Yes / No  
Speaking/Non-speaking order  
rpp

**N.B. :- Registry is directed to call for explanation from the concerned Judicial Officer as well as from the concerned Clerk and submit the report before this court.**

To

The Sub-Judge,  
Ulundurpet.



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**T.V.THAMILSELVI, J.**

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