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Crp.No. 3238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.09.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CRP.No. 3238 of 2023

1.R.Pandiyan
2.Mathavanai

... Petitioners

Versus

1.S.Ajithkumar
2.V.Pichaipillai
3.National Insurance Company Limited
Represented by its Branch Manager,
2nd Floor, No.32, Dwarganath Building
Trichy Main Road
Venkatesapuram
Perambalur.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, prays to set aside the docket order passed in MCOP.SR.500 of 2022, dated 24.02.2023 on the file of the Motor Accidents Claim Tribunal, Perambalur and consequently number the claim petition.



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For petitioner : Mr. S. Kamadevan

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ORDER

This Court in similar circumstances, in CRP.No. 2558 of 2023, dated 18.08.2023 in Malaravan v. Praveen Travels Private Limited and Others, held as follows:-

“31. The upshot of the discussion is that on registration of an FIR, a claimant is entitled to present the petition without the fear of it being thrown out, on the ground of limitation. This would be the correct reading of the present legal dispensation in all cases where FIR is registered within six months, of the date of any motor accident which takes place after 01.04.2022.

32. Consequently, applying the Law discussed above to the facts of the present case, this Civil Revision Petition is allowed. The FIR having been registered, in this case, within two days from the date of the accident on 13.10.2022 by Oragadam Police Station, the petition filed in MACT.O.P.(SR).No. 3280 of 2023 has to only be



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treated as a reminder to the Court to call for the FIR and other reports and register the same as a Claim petition.

33. this Civil Revision Petition is allowed. The order passed by the learned Motor Accidents Claims Tribunal is set aside and a direction shall be issued to treat the application filed on 19.04.2023 as a reminder to the Court for a plea of just compensation under 166(4) and take up the application for trial.”

2. As held by this Court the above decision, the present Civil Revision Petition is disposed of in the same terms. However, there shall be no order as to costs.

05.09.2023

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
MSM

To

1. The Motor Accidents Claim Tribunal,
Perambalur.



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2. The Section Officer, High Court, Madras.

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Note: Registry is directed to return the original petition after retaining a copy of the original claim petition.

V.BHAVANI SUBBAROYAN, J.

MSM

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