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CRP No.4110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.3928 of 2023

P.Sampathkumar

... Petitioner

Versus

1.B.Mennasindhu

2.Bajaj Allianz General Insurance Co.Ltd.,
Represented by its Manager having office at;
Raagavis Center Ground,
1st & 2nd Floor,
21-A, Nethaji Nagar,
Nanjundapuram Main Road,
Ramanathapuram, Coimbatore-641 045.

3. Bajaj Allianz General Insurance Co.Ltd.,
Represented by its Manager having office at;
Ramasamy Street,
NGGO Colony,
Erode-638 001.

...Respondents

Civil Revision Petition filed Under Article 227 of Constitution of India,
praying to set aside the docket order dated 03.10.2023 passed in
MCOP.(F).No.804 of 2023 on the file of the learned Special District Court to
deal with MCOP Cases, Erode and number the same in accordance with law.



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ORDER

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The petitioner has filed this revision petition to set aside the docket order dated 03.10.2023 passed in MCOP.(F).No.804 of 2023 on the file of the learned Special District Court to deal with MCOP Cases, Erode.

2. Heard Mr.M. Guruprasad, learned counsel for the petitioner and perused the materials available on record.

3. The learned counsel for the revision petitioner submitted that the plaintiff has filed MCOP.(F).No.804 of 2023 before the learned Special District Judge for claiming compensation from Motor Accident Claims Tribunal, Erode. That petition was returned by the learned trial Judge, holding that the insurance policy issued by the company, did not fall under the four categories mentioned under Section 166(2) of the Motor Vehicle Act, and therefore the claim was not maintainable. The 3rd respondent / Insurer as one of the respondents, is available at Erode jurisdiction. Eventhough, the respondent / Insurer is in another jurisdiction the policy does not become invalid and if at all the respondent has any objection he may come and make submission to that effect. Therefore, the return made by the learned trial Judge is to be set aside and the trial Judge is directed to number the petition



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within a period of two weeks from the date of receipt of a copy of this order.

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4. Registry is directed to return the original plaint filed by the revision petitioner.

5. Accordingly, this Civil Revision Petition is allowed. No costs.

07.11.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation:Yes/No
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To

1. The Special District Court to deal with MCOP Cases,
Erode.
- 2.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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