



WEB COPY



CRP No. 4438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2023

CORAM :

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

Civil Revision Petition No.4438 of 2023
and
CMP.No.26813 of 2023

1.Sobha
2.Dhipu

... Petitioners

Versus

1.Benny
2.Angel
3.Prabakaran
4.Deisy
5.Dhanalakshmi

... Respondents

Civil Revision Petition filed Under Section 115 of Code of Civil Procedure, praying to set aside the order dated 31.08.2023 made in M.P.No.1 of 2021 in MCOP.No.7572 of 2018 on the file of Motor Accident Claims Tribunal, III Judge, Court of Small Causes, Chennai.

For Petitioner : M/s. A.Subadra

ORDER

The petitioner has filed this petition to set aside the order dated 31.08.2023 made in M.P.No.1 of 2021 in MCOP.No.7572 of 2018 on the file of Motor Accident Claims Tribunal, III Judge, Court of Small Causes,

Chennai.

<https://www.mhc.tn.gov.in/judis>



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WEB COPY 2. Heard M/s. A.Subadra, the learned counsel appearing for the petitioners and perused the materials available on record.

3. Before the trial Court the petitioners have filed a suit for the relief of partition against the 2nd wife of the deceased, but the same was dismissed by the learned trial Judge holding that no documents were produced to show that they are the legal heirs of the deceased Shoba Kabali. The learned counsel produced the relative Aadhar Card wherein the 1st petitioner is Shoba, her husband name is mentioned as Kabali and the name of the 2nd petitioner's father is also mentioned as Kabali. Prima facie made out. The Aadhar card clearly mentioned that the deceased name is mentioned as the husband of the 1st petitioner and father of the 2nd petitioner, by including them as a party, would not cause any prejudice, but the learned trial Judge erroneously dismissed the MP.No.1 of 2021 in MCOP.No.7572 of 2018.

4. Now the suit is ripe for trial, before commencement of the trial, all the parties have to appear, therefore the order passed by the learned trial Judge is set aside. MP.No.1 of 2021 in MCOP.No.7572 of 2018 is allowed.



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5. The Tribunal is directed to proceed with the matter by giving opportunity to the revision petitioners who are added as 3rd and 4th respondents in the MCOP.No.7572 of 2018 proceedings, in the manner known to law.

6. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

13.12.2023

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

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To

1. The Motor Accident Claims Tribunal,
III Judge, Court of Small Causes, Chennai.

2.The Section Officer,
VR-Section, High Court of Madras.



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T.V.THAMILSELVI, J.

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