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C.R.P.No.4421 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2023

CORAM:

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

C.R.P.No.4421 of 2023

Latha

... Petitioner

-Vs-

1.A.Selvam

2.M/s.Chola MS General Insurance Co., Ltd
No.5, Manthangal Road, Muthukadai
Ranipet, Ranipet District.

3.Saridha

4.Sivagami

5.Minor A.Kaviya

(Minor represented by her mother and natural
guardian 3rd respondent Saridha)

... Respondents

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the docket order dated 06.10.2023 made in unnumbered MCOP SR No.4054 of 2023 in returning the petition by the Motor Accident Claims Tribunal-cum-II Additional District Court Ranipet, Vellore District.

For Petitioner

: Mr.C.Prabakaran



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ORDER

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Challenging the impugned docket order passed in an unnumbered M.C.O.P. SR.No. 4054 of 2023 passed by the learned Motor Accident Claims Tribunal cum II Addl. District Judge, Ranipet, Vellore District, the Revision Petitioner preferred this Civil Revision Petition.

2. Since the relief is claimed challenging the order passed by the trial judge, notice to the respondents is dispensed with.

3. Before the trial court, as a legal heirs of deceased Annamalai, his wife filed a claim petition against driver, insurance company as well as second wife and children. But, the said petition was rejected by the Tribunal stating that the legal heir certificate has not been enclosed along with the petition. Challenging the said findings, the Revision Petitioner preferred this Civil Revision Petition.

4. The learned counsel for Revision Petitioner would submit that the Revision Petitioner is the first wife and her aadhar card is enclosed to prove the same. Since the deceased had two wives, the revenue officials are not inclined to issue a legal heir certificate at present and they are taking steps to get the certificate. At the time of trial, she agreed to produce the said certificate.



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5. Records perused. Admittedly, as per the Aadhar card, the Revision Petitioner's husband name is mentioned as Annamalai, who is deceased herein. Prima facie is made out. The Revision Petitioner is directed to produce the legal heir certificate at the time of trial. Therefore, the learned Claims Tribunal is directed to number the petition and take the petition on file within a period of two weeks from the date of receipt of copy of this order. Registry is directed to return the original petition to the Revision Petitioner. Accordingly, this Civil Revision Petition is disposed of. No costs.

13.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Motor Accident Claims Tribunal-cum-II Additional District Court
Ranipet, Vellore District.



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T.V.THAMILSELVI, J.

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