



C.R.P(MD)No.48 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2023

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.48 of 2023

1.Rajalakshmi

2.Minor.Shasween

3.Minor.Saishrinithi

*(Petitioners 2 and 3 are represented
through their natural guardian and
mother/first petitioner)*

... Petitioners/Claimants

Vs.

1.P.Denash

2.ICICI Lombard General Insurance Company Limited,
Second and Third Nungabakkam High Road,
Chottabhai Centre,
Chennai-600034.

3.V.Mangalam

...Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to call for the records of the impugned docket order, dated 06.12.2022 in M.C.O.P Filing No.212 of 2022 on the file of the MCOP Tribunal Cum Additional District Judge (FTC), Paramakudi, Ramanathapuram District and set aside the same and consequently



C.R.P(MD)No.48 of 2023

directing the tribunal to number the Motor Accident Claims Petition filed by the petitioners.

For Petitioner : Mr.RM.Arun Swaminathan

For R2 : Mr.P.Pethu Rajesh

For R3 : No Appearance

ORDER

The present Civil Revision Petition has been filed against the order, dated 06.12.2022 in M.C.O.P Filing No.212 of 2022 on the file of the MCOP Tribunal Cum Additional District Judge (FTC), Paramakudi, Ramanathapuram District.

2. The amendment to Section 161 (3) of the Motor Vehicle Act, 1988 with effect from 01.04.2022 has been stayed by the High Court of Patna in *Sandeep Raj and the State of Bihar* and in Civil Writ Jurisdiction Case Nos.3362, 4402, 4481, 5026 and 6111 of 2022. The High Court of Kerala has also come to a conclusion that the limitation by 6 months cannot be applied as there is no provision in the Act excluding Section 29 (2) of the Limitation Act.



C.R.P(MD)No.48 of 2023

3. *Prima facie*, I am of the view that docket order rejecting the claim of the petitioner is un-sustainable. Therefore, the present Civil Revision Petition stands allowed at the time of admission since no adverse orders are proposed to be passed against the respondent. However, the rights of the respondents to argue the case after the case is numbered on the ground of limitation stands preserved. No costs.

29.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note: Issue order copy on 03.04.2023

2. Registry is directed to return the original copy of the impugned order to the petitioner.

To

1.The MCOP Tribunal Cum Additional District Judge (FTC),
Paramakudi, Ramanathapuram District

2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.R.P(MD)No.48 of 2023

C.SARAVANAN,J.

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C.R.P(MD)No.48 of 2023

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