



C.R.P(MD)No.383 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.02.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.383 of 2023

H.Duraisingh

... Petitioner/Claimant

Vs.

1.Ramesh Flowers (P) Ltd.,
D/No.A-62 (A) SIPCOT Industrial Complex,
Thekku Veerapandiapuram Post,
Thoothukudi.

2.National Insurance Co.,
Mangadu Business Centre,
D/No.35, Perumalkovil Street,
Mangadu, Chennai-600 122.

... Respondents/Respondents

PRAYER : Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thoothukudi to take on file and number the Interlocutory Application in Unnumbered IA.No. of 2022 in M.C.O.P. No.35 of 2021 pending in file no.1784/2022 dated 15.11.2022 and to decide the same on merits in accordance with law within a time frame fixed by this Court by allowing this Civil Revision Petition.

For Petitioner : Mr.I.Robert Chandra Kumar



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ORDER

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The present revision petition has been filed by the claimant in M.C.O.P.No.35 of 2021 pending on the file of Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thoothukudi.

2. Originally, the claimant had filed M.A.C.O.P.No.35 of 2021 making a claim of Rs.40,00,000/- (Rupees Forty Lakh only) towards the injury sustained by him due to the accident. According to the learned counsel appearing for the petitioner, at the time of filing of M.A.C.O.P.No.35 of 2021, the petitioner was under treatment. Only thereafter, they came to know that the petitioner has sustained disability of 80%. Based upon 80% disability, the claimant had filed I.A.SR.No.--- of 2022 (unnumbered) to amend the claim in M.A.C.O.P so as to enhance the amount from 40 Lakh to One Crore and Forty Lakh. The said application has been returned by the tribunal on the ground they do not have any jurisdiction to entertain the claim amount in view of the enhanced claim.



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3. I do not find such a ground is legally sustainable. The Motor Accident Claims Tribunal is having unlimited pecuniary jurisdiction to entertain any claim. The Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thoothukudi is directed to number the amendment application, if it is otherwise in order and dispose of the same on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

4. With the above said observations, this Civil Revision Petition stands disposed of. No costs.

15.02.2023

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

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Note: (i) Registry is directed to return the original Interlocutory Application.

(ii) Issue Order Copy on 15.02.2023.



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To

- 1.The Motor Accident Claims Tribunal
(Chief Judicial Magistrate),
Thoothukudi.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.383 of 2023

15.02.2023