



C.R.P(MD)No.461 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.461 of 2023

and

C.M.P(MD)No.2196 of 2023

Umadevi

... Petitioner/1st Respondent/
Claimant

Vs.

1.Nagajothi

2.Subramanian

3.Nalli Matriculation School,
Through its Principal,
VOC Nagar, Chinnamanur Town,
Uthamapalayam Taluk,
Theni District.

4.M/s.Bajaj Aliance General Insurance
Company Ltd.,
Through its Manager,
No.184/25, 1st Floor,
K.P.S.Shopping arkad, Byepass Road,
Near Lakshmi Bhavan, Madurai Town,
Madurai District.

... Respondents/Respondents 2-4/
Respondents 1-3



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the impugned fair and decreetal order in I.A.No.101 of 2021 in M.C.O.P.No.88 of 2018 dated 02-12-2022, on the file of Subordinate Judge, Uthamapalayam.

For Petitioner : Mr.P.M.Vishnuvarthanan

For R4 : M/s.N.Shyllappa Kalyan

ORDER

The present revision petition has been filed by the original claimant in M.C.O.P.No.88 of 2018 on the file of Sub Court, Uthamapalayam.

2. One M/s.Nagajothi had filed an impleading application in the said claim petition contending that she is the step mother of the deceased person. The said application came to be allowed, impleading her as the 2nd claim petitioner. Challenging the same, the present revision petition has been filed.

3. According to the learned counsel appearing for the revision petitioner, the proposed party had filed O.S.No.190 of 2018 on the file of the District Munsif Court, Uthamapalayam to declare herself as one of



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the legal heirs along with the original claim petitioner. While the said suit was pending, the present impugned order has been passed to implead her as the 2nd claim petitioner. However, after the application was allowed, O.S.No.190 of 2018 was dismissed on 09.12.2022. Therefore, according to the petitioner, the suit having been dismissed, she is not entitled to get herself impleaded as the 2nd claim petitioner in M.C.O.P.No.88 of 2018.

4. A perusal of the judgment and decree in O.S.No.190 of 2018 reveals that it has been disposed of only on 09.12.2022 and there is every likelihood that the alleged step mother is likely to file a first appeal. Hence, she cannot be considered to be an unnecessary party in the claim petition. Any order passed by this Court would result in staying the M.C.O.P proceedings. Therefore, in the interest of justice, the order passed by the Motor Accident Claims Tribunal in I.A.No.101 of 2022 is hereby confirmed and she will get impleaded herself as the 2nd claim petitioner. However, any share that is allotted in favour of the proposed party, namely Nagajothi can never be disbursed to her unless her status is declared finally by a competent Civil Court.



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5. Considering the fact that the claim petition is of the year 2018, the learned Subordinate Judge, Uthamapalayam is directed to dispose of the same on or before 30.11.2023.

6. With the said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

27.02.2023

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

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To

- 1.The Subordinate Judge,
Uthamapalayam.
- 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.461 of 2023

27.02.2023