



C.R.P(MD).No.616 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.616 of 2023

and

CMP(MD)No.2839 of 2023

The Manager and Correspondent,
St.Joseph Higher Secondary School,
Punganoor,
Ramjee Nagar Post,
Trichy.

... Petitioner/Petitioner/1st Respondent

Vs.

1.New India Assurance Co., Ltd.,
represented by its Divisional Manager,
258B, Kamarajar Salai,
Madurai.

... Respondent/Respondent/2nd Respondent

2.Ravi

... Respondent/Respondent/Claim Petitioner

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set aside the return endorsement passed in I.A.No. Unnumbered of 2022 in MCOP.No.307 of 2011 dated 06.12.2022 on the file of IV Additional Sub Judge, Madurai (Motor Accident Claims Tribunal) and direct the Court below to number the I.A filed by the petitioner.

For petitioner : Mr.S.Chellapandian



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ORDER

WEB COPY This Civil Revision Petition has been filed to set aside the return endorsement passed in I.A.No. Unnumbered of 2022 in MCOP.No.307 of 2011 dated 06.12.2022 on the file of IV Additional Sub Judge, Madurai (Motor Accident Claims Tribunal) and direct the Court below to number the I.A filed by the petitioner.

2.The specific case of the petitioner is that no notice was served on the petitioner before the order passed in MCOP.No.307 of 2011 on 31.10.2013. Only after the petition filed under Section 174 of Motor Vehicles Act, 1988 by the Insurance Company in I.A.No.473 of 2021, the petitioner came to know that the petitioner had been set *ex-parte* without notice in MCOP.No. 307 of 2011.

3.It is submitted that the petitioner has a fair case to succeed. Therefore, the unnumbered Interlocutory Application filed by the petitioner to set aside the *ex-parte* order dated 31.10.2013, in MCOP.No.307 of 2011 is deserves to be numbered. The petition has been returned by the Court on the ground of limitation. In case, the petition is ordered, it is open for the petitioner to file appropriate petition in accordance with law.



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4. Therefore, this Civil Revision Petition is disposed of at the time of admission without expressing any opinion on merits by directing the IV Additional Sub Judge, Madurai (Motor Accident Claims Tribunal), to number the unnumbered I.A.No..... of 2022 in MCOP.No.307 of 2011 filed by the petitioner to set aside the *ex-parte* order dated 31.10.2013. It is needless to say, the application shall be disposed of after perusing the records as to whether the petitioner had wilfully remained *ex-parte* after service of notice. No costs. Consequently, the connected miscellaneous petition is closed.

08.03.2023

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

To

1. The IV Additional Sub Judge,
Madurai (Motor Accident Claims Tribunal).

2. The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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C.SARAVANAN,J.

dss

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