



Rev.Aplc(MD).No.35 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Rev.Aplc(MD).No.35 of 2023

and

C.M.P.(MD).No.6392 of 2023

M.Pradeep Arumugam

... Petitioner/Petitioner

Vs.

1.Jansirani

2.Jasmine Sebakumar

3.Jenifar

4.Minor.Rooth Arul Jeyanthi

5.The Divisional Manager,
Oriental General Insurance Company,
D.No.39/40, Simmakal,
Madurai.

6.Pavithran

... Respondents/Respondents

Prayer : Review Petition filed under Order 47 Rule 1 of C.P.C read with under Section 114 of C.P.C. praying this Court to set aside the order made in C.R.P.(MD).No.34 of 2023 dated 13.04.2023.



For Petitioner : Mr.J.Gunaseelanmuthiah

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ORDER

The petitioner has filed this review petition to review the order, dated 13.04.2023 passed by this Court in CRP(MD)No.34 of 2022.

2. The CRP(MD)No.34 of 2022 has been dismissed with the following observations:

"3. It is submitted that the sixth respondent herein has not given any statement before the concerned police station along with the said Kamatchi Karthick. I find that there is no merits in the present civil revision petition. The claimants (respondents 1 to 4 herein) had filed the claim petition in the year 2013. They cannot be denied the right to receive compensation, if they are otherwise entitled to receive compensation. As far as inter se dispute between the petitioner and the sixth respondent herein is concerned, it is open for the petitioner to workout his remedy available in accordance with law.

4. In result, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed."

3. The petitioner has the impugned order passed by the District and Sessions Judge (Communal Clash Cases cum Motor Accident Claim Tribunal) Madurai in I.A.No.1070 of 2022 filed by the petitioner herein to re-open the case at the stage of final hearing. The petitioner has stated that the Court has not considered the facts while passing the aforesaid order.



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4. The petitioner is the first respondent in M.C.O.P.No.748 of 2023. The application for re-opening the case was filed by the petitioner on 22.11.2022. The respondents who are the claimants in the above M.C.O.P. filed it in the year 2013. It is open for the petitioner to argue the case on merits.

5. Considering the above, the petitioner has not made out the case for review. The Review Application stands dismissed. The learned District and Sessions Judge (Communal Clash Cases cum Motor Accident Claim Tribunal) Madurai shall dispose of M.C.O.P.No.748 of 2013 as expeditiously as possible preferably within a period of 6 months from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

09.06.2023

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

To
The learned District and Session Judge
(Communal Clash Cases cum
Motor Accident Claim Tribunal) Madurai.



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C.SARAVANAN, J.

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