



C.R.P(MD)No.1490 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2023**

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.R.P(MD)No.1490 of 2023

Prabakaran

...Petitioner/Petitioner

Vs.

1.Prabakaran
2.National Insurance Co. Ltd.,
Rep. by its Branch Manager,
Rasi Plaza,
West Pradhakshinam Road,
Karur.

... Respondents/Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order dated 03.02.2023, passed in Unnumbered M.C.O.P.No. Of 2022 (F.No.MCOP/115/2023)(CNR No.TNKR010003752023) on the file of the Motor Accident Claims Tribunal, Karur.

For Petitioner : Mr.V.Meenakshi Sundaram

ORDER

This Civil Revision Petition has been filed by the petitioner to set aside the docket order dated 03.02.2023, passed in Unnumbered M.C.O.P.No. Of 2022 (F.No.MCOP/115/2023)(CNR No.TNKR010003752023) on the file of the Motor Accident Claims Tribunal, Karur.



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2.The petitioner has challenged the impugned return filed vide Docket order dated 03.02.2023, returning the claim petition filed by the petitioner before the learned Principal District Judge, Madurai on 31.01.2023.

3.The specific case of the petitioner is that the learned Principal District Judge, Karur itself has jurisdiction to entertain the claim petition in view of the language in Section 166(2) of Motor Vehicles Act, 1988.

4.Specifically the case of the petitioner is that the petitioner was employed within the jurisdiction of Karur district. Therefore, the petitioner was entitled to file M.C.O.P. before the Karur district Court. That apart it is submitted that the second respondent insurance company has a branch office at Karur and therefore, on this count also, the return is not sustainable. That apart it is submitted that the first respondent, who is the owner of the vehicle, is also residing within the jurisdiction of the Court and therefore even on this count, the return is unsustainable.

5.The learned counsel for the petitioner has placed reliance on the decision of the Hon'ble Supreme Court in the case of **Malati Sardar v. National Insurance Co. Ltd., and others** reported in **2016 (1) TNMAC 1 (SC)** and that



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decision of this Court in the case of *Oriental Insurance Co. Ltd., v. Muthumeenal and others* reported in **2016(2) TNMAC 58**.

6.On reading of the returns filed by the petitioner does not indicate that the petitioner has stated that the second respondent has a branch office in Karur. Considering the fact that the first respondent is residing within the jurisdiction of the Court, the Tribunal can entertain the claim petition since the intention of the Motor Vehicles Act, 1988, is to make it convenient for the claimant to peruse the remedy before the forum where the claimant can seek an early disposal of the claim petition. This is evident for reading of Section 166(2) of Motor Vehicles Act, 1988. Since these aspects having not been addressed by the petitioner after the returns were made on two occasions, an opportunity is given to the petitioner to re-present the application for numbering the claim petition after bringing out the factual position before the Court.

7.With the above liberty, this Civil Revision Petition is dismissed. No Costs. The Registry is directed to return back the original petition papers.

26.06.2023

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



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C.SARAVANAN,J.

Mrn

To

- 1.The Principal District Judge,
Motor Accident Claims Tribunal, Karur.
- 2.The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

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