



CMP(MD) No.11136 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )  
Monday, the Ninth day of October Two Thousand and Twenty Three  
PRESENT

The Hon`ble Mr.Justice BATTU DEVANAND  
CMP(MD) No.11136 of 2019  
in  
CRP(MD) SR78093 of 2019

K.JEYARAMAN (DIED)

1 J.SIVAGAMI  
2 M.LOGANATHAN,  
3 M.KARTHICK

... PETITIONERS/PETITIONERS

Vs

1 VASANTHA,  
2 VIJAYAKUMAR,  
3 RAJARASI,  
4 SUBASH CHANDRABOSE,

5 ORIENTAL INSURANCE COMPANY,  
BRANCH OFFICE,  
PUDHUKOTTAI.

... RESPONDENTS/RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave to the petitioner to file the CRP Challenging the Award passed by the Lok Adalat in MCOP No.44 of 1996 dated 29.11.1996 on the file of District/Sub Judge (MACT) (District Committee for Legal Aid, Tiruchirapalli).

PRAYER IN CRP(MD) SR78093 of 2019 :

To set aside the Award dated 29.11.1996 passed by Lok Adalat in MCOP No.44 of 1996 on the file of District / Sub Judge (Motor Accident Claims Tribunal) (District Committee for Legal Aid, Tiruchirapalli) by allowing this revision.

ORDER : This Civil Miscellaneous petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the



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arguments of M/S.A.SIVASUBRAMANIAN, Advocate for the petitioner and of MR.K.R.SHIVASHANKARI, Advocate on behalf of the 1<sup>st</sup> Respondent and MR.ISRAEL K.MANI, Advocate on behalf of the 5<sup>th</sup> Respondent and none appeared either in person or by an advocate on behalf of the Respondent Nos.2 to 4, the court made the following order:-

Heard the learned counsel for the petitioner and perused of the averments made in the accompanying affidavit filed along with this Civil Miscellaneous Petition.

2.The petitioner No.2 and 3 are the legal heirs of one Muruganantham @ Murugesan, who died in a motor vehicle accident that occurred on 16.03.1995. Claiming compensation under Motor Vehicles Act, the petitioners filed M.C.O.P.No.1475 of 1996 before the III Subordinate Court, Trichy, which was subsequently transferred to I Additional Court, Trichy and numbered as M.C.O.P.No.822 of 1996. Infact the claim petition was being followed by the first petitioner i.e., one K.Jeyaraman who is the grandfather of the petitioners 2 and 3 and he died on 16.08.2001. At that time, the petitioner No.2 and 3 are minors and the first petitioner is old aged person, as such they could not follow up the case and thereafter, they learnt that the claim petition was dismissed for default on 10.02.2005. The petitioners sought information about this claim petition under Right to Information Act and thereafter, they learnt that against the death of the father of the petitioner No.2 and 3 an award has been passed in Lok Adalat in M.C.O.P.No.44 of



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1996 dated 29.11.1996 for a sum of Rs.1,25,000/- before the Sub Court, Trichy, in favour of the respondents 1 to 3 herein.

3.The learned counsel for the petitioner submits that the respondents 1 to 3 herein are no way connected to the deceased Muruganantham @ Murugesan. The learned counsel for the petitioner contends that the respondents 1 to 3 herein obtained award by playing fraud on the face of the Lok Adalat and accordingly, challenging the award passed by the Lok Adalat, dated 29.11.1996 in M.C.O.P.No.44 of 1996 on the file of the District/ Sub Court (Motor Accident Claims Tribunal) (District Committee for Legal Aid, Tiruchirappalli), they filed the present Civil Revision Petition. As the petitioners are not parties in the Lok Adalat Proceedings, they filed the present Civil Miscellaneous Petition seeking to grant leave of the Court permitting the petitioners to file the Civil Revision Petition against the Lok Adalat award obtained by fraud.

4.Having heard the submissions of the learned counsel for the petitioner and upon careful perusal of the averments made in the accompanying affidavit, in view of the settled law that any order or award obtained by playing fraud on the face of the Court is non est in the eye of law.

5.In the considered opinion of this Court, it is appropriate and reasonable to allow this Civil Miscellaneous Petition granting leave to the petitioners to file the



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Civil Revision Petition against the award dated 29.11.1996 passed by the Lok Adalat  
in M.C.O.P.No.44 of 1996.

6.Accordingly, this Civil Miscellaneous Petition is allowed.

sd/-  
09/10/2023

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/10/2023

Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TO

THE DISTRICT / SUBORDINATE JUDGE  
(MOTOR ACCIDENT CLAIMS TRIBUNAL)  
DISTRICT COMMITTEE FOR LEGAL AID,  
TIRUCHIRAPPALLI.

ORDER IN  
CMP(MD) No.11136 of 2019  
in  
CRP(MD) SR78093 of 2019  
Date :09/10/2023

RS/JGB/SAR-(11.10.2023) 4P 2C  
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