



C.R.P.(MD)No.3095 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

C.R.P.(MD)No.3095 of 2023
and
C.M.P.(MD)No.15969 of 2023

L.Rajeshwaran

... Petitioner

Vs.

1. Prema

2. Moorthy

3. Kaalimuthu

4. United India Company Limited, Kuthalam
represented by its Branch Manager

... Respondents

Prayer : This Civil Revision Petition filed under Article 227 of the Constitution of India, to call for the records in M.C.O.P.No.283 of 2019 pending on the file of the Principal Sub Court/Motor Accident Claims Tribunal, Kumbakonam and strike off the proceedings so far as the petitioner/first respondent is concerned.

For Petitioner : Mr.R.Surya Prakash



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ORDER

The Civil Revision Petition has been filed seeking orders to strike off the proceedings as against the revision petitioner/first respondent in M.C.O.P.No.283 of 2019, pending on the file of the Principal Sub Court/Motor Accident Claims Tribunal, Kumbakonam.

2. The respondents 1 and 2/claimants have filed a claim petition in M.C.O.P.No.283 of 2019 for the death of their son in an accident occurred on 01.06.2019.

3. The learned counsel appearing for the revision petitioner would submit that the revision petitioner/first respondent is a road contractor, that the claim petition was filed alleging that the accident was occurred due to the negligence of the revision petitioner/first respondent for not placing any indication or any caution board to notify the 10 feet pit hole for constructing a bridge and that the Motor Vehicles Act cannot be invoked for the present case.



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4. Admittedly, the claim petition was filed in the year 2019 and even according to the learned counsel appearing for the revision petitioner, now the case is pending for the evidence of revision petitioner/first respondent's side.

5. Since the claim petition is pending from 2019 onwards and the case is pending for the revision petitioner/first respondent's side evidence, this Court is not inclined to intervene with the proceedings of the Motor Accident Claims Tribunal. However, the revision petitioner is at liberty to canvass the defence or adduce evidence in support of his case before the Tribunal.

6. At this juncture, the learned counsel appearing for the revision petitioner would submit that the Tribunal may be directed to dispose of the case within a time stipulated by this Court.

7. Considering the fact that the claim petition is pending from 2019, the learned trial Judge is hereby directed to complete the trial in M.C.O.P.No.283 of 2019 and dispose of the same within a period of two months from the date of receipt of a copy of this order.



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8. With the above direction, this Civil Revision Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

28.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Principal Sub Court,
Kumbakonam.
- 2.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
C.R.P.(MD)No.3095 of 2023
and
C.M.P.(MD)No.15969 of 2023

Dated : 28.11.2023