



C.R.P.No.1757 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1757 of 2024

1.J.Mohanraamkumar

2.A.Meenambal

... Petitioners

Vs.

1.Sudhakar

2.ICICI Lombard General Insurance Company Ltd.,

Rep. by its authorized Person,

Chotabhai Centre, No.140, 2nd and 3rd Floor,

Nungambakkam High Road,

Chennai – 600 034.

3.Damotharan

4.M/s.ACKO General Insurance Co. Ltd.,

Rep. by its authorized Person,

E-301, 3rd Floor, Lotus Corporate Park,

Off Western Express Highway,

Goregan (E), Mumbai – 400 063.

(Impleaded as per order in M.P.No.6 of 2021

in M.C.O.P.No.82/2020 dated 24.04.2023)

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to dispose of the M.C.O.P.No.82/2020 on the file of the Chief Small Causes Court cum Motor Accidents Claims Tribunal, Chennai on merits, in accordance with law and within time frame.



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For Petitioners : Ms.S.Revathy

ORDER

This Civil Revision Petition has been filed seeking a direction to the Chief Small Causes Court/Motor Accidents Claims Tribunal, Chennai to dispose of the case in M.C.O.P.No.82 of 2020 pending on its file within a stipulated period of time.

2.The petitioners filed a claim petition in M.C.O.P.No.82 of 2020 before the Chief Small Causes Court cum Motor Accidents Claims Tribunal, Chennai for the death of their daughter Ms.M.Raghavi, who died on 27.07.2019 on account of a motor vehicle accident. The first respondent is the owner of the Tipper Lorry and the second respondent is the insurer of the Tipper Lorry. The second respondent/ICICI Lombard General Insurance Company Limited filed an impleading petition in M.P.No.1 of 2021 to implead the owner of the Car and his insurance company as third and fourth



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respondents in the M.C.O.P., which was allowed on 25.11.2022. In M.C.O.P.No.82 of 2020, the third respondent was set ex-parte and the fourth respondent is contesting the case. Now after amendment, three opportunities were given for filing additional counter, if any. Thereafter, the case was posted for enquiry on 10.06.2024. On 10.06.2024, the petitioners filed a petition in M.P.No.7 of 2024 to implead the unmarried sister of the deceased, namely, Shivani/younger daughter of the petitioners. The same was allowed on 10.06.2024 and the case was posted to 20.06.2024.

3.The contention of the learned counsel for petitioners is that petitioners have lost their daughter and her love and affection and seeking compensation for untimely death of their daughter due to the accident. The M.C.O.P. is still pending for additional counter on the side of the third and fourth respondents. After the death of their daughter Raghavi, the petitioners have lost the financial support. Due to procedural wrangles and frequent adjournments the petitioners have been suffering without any compensation.



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The petitioners hail from Andaman and they find it difficult to attend the hearings and follow the case. The accident took place in the year 2019, claim petition filed in the year 2020 and it is four years from then, still the case is to make substantial progress. Hence, the present petition has been filed.

4.Since it is only a limited prayer seeking direction to dispose of the case within the stipulated period, notice to the respondents not required. Hence, notice to the respondents dispensed with.

5.It is seen from the petitioners' submissions and from the Court adjudication, that the petitioners are also to be blamed for the delay. After impleading petition filed by the second respondent/ICICI Lombard, thereafter the petitioner filed an impleading petition to bring the unmarried sister/daughter of petitioners as one of the claimants. In any event, this stage has crossed and the enquiry to be held and orders to be passed. This can be done within a short period.



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6. In view of the above facts, this Court directs the Chief Small Causes Court cum Motor Accidents Claims Tribunal, Chennai to complete the proceedings in M.C.O.P.No.82 of 2020 and dispose of the same within a period of three months from the date of receipt of a copy of this order.

7. With the above directions, this Civil Revision Petition is disposed of. No costs.

12.06.2024

Index : Yes/No
Internet : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes/No
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To

The Chief Judge,
Chief Small Causes Court/
Motor Accidents Claims Tribunal, Chennai.



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M.NIRMAL KUMAR, J.

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