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C.R.P.No.1584 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1584 of 2024

Kumari (Deceased), W/o.Jayagopal,
No.2, Geethanjali, Srisakthi Nagar,
Elanthanur, Chennai-103.

Koushiga, W/o.Gowthaman,
No.M 13/26, Central Avenue,
MKB Nagar, Vyasarpadi, Chennai-600 039.

... Petitioner

Versus

1.M/s.Eita India Ltd.,
Plot No.11, Sector 24,
Faridabad,
Haryana 121001.

2.New India Assurance Co. Ltd.,
Divisional Office,
No.45, Vth Floor,
Moore Street, Chennai-600 001.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to direct the Principal Sub Court Ponneri to dispose I.A.No.420 of 2021 in M.C.O.P.No.141 of 2017 in the stipulated time frame.

For Petitioner : Mr.K.Thenrajan

ORDER

This Civil Revision Petition has been filed to direct the learned Principal Subordinate Judge, Ponneri to dispose I.A.No.420 of 2021 in M.C.O.P.No.141 of 2017 within the stipulated time.



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2.The learned counsel for the petitioner submitted that the petitioner, who is the legal heir of Kumari wife of Jayagopal in M.C.O.P.No.141 of 2017 has filed I.A.No.420 of 2021 in M.C.O.P.No.141 of 2017 to bring her on record as legal representative of Kumari in M.C.O.P.No.141 of 2017. He further submitted that M.C.O.P.No.141 of 2017 was filed by Kumari wife of Jayagopal for grievous injuries sustained by her on 20.06.2016 at Puzhal Camp Signal, GNT Road, Chennai while she was walking on the sides of road proceeding from East to West, at that time, the lorry bearing Reg.No.HR-38-T-6831 proceeding from West to East) came in rash and negligent manner and dashed Kumari. In M.C.O.P.No.141 of 2017, the respondents herein entered appearance, received petition copy, 1st respondent filed counter and 2nd respondent is yet to file his counter. At this juncture, the petitioner's mother Kumari passed away on 25.04.2020. To substitute the petitioner, she filed I.A.No.420 of 2021 in M.C.O.P.No.141 of 2017 on 10.01.2021 and during the month of October 2021, notice was sent and the application was periodically adjourned from 11.11.2021. Thereafter, notice received by the respondents on 17.02.2023 and the case has been periodically adjourned. To prove the fact the petitioner is the only legal heir of Kumari, the learned counsel for the petitioner produced the legal heir certificate.



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3.Considering the submissions and on perusal of the materials, it is seen that the application in I.A.No.420 of 2021 in M.C.O.P.No.141 of 2017 to substitute the petitioner has been filed as early as in the month of October 2021 and notice served to the respondents on 17.02.2022. But more than a year, no order passed by the learned Principal Subordinate Judge, Ponneri. Due to which, there is no progress in M.C.O.P.No.141 of 2017 which was filed in the year 2017. On perusal of the legal heir certificate, it is confirmed that the petitioner is the sole legal heir of Kumari wife of Jayagopal.

4.In view of the above, the learned Principal Subordinate Judge, Ponneri is reminded that the Motor Accident Claims Tribunal formed for the purpose of addressing grievance of injured or deceased or their family members and sufficient compensation amount to be paid for the sufferings and survival. Therefore, the learned Principal Subordinate Judge, Ponneri is directed to pass orders in I.A.No.420 of 2021 in M.C.O.P.No.141 of 2017 within three weeks from the date of receipt of a copy of this order and complete M.C.O.P.No.141 of 2017 within a period of four weeks thereafter.



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M.NIRMAL KUMAR, J.

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5. With the above direction, this civil revision petition stands disposed of.

No costs.

17.04.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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To

The Principal Subordinate Judge,
Ponneri.

Note: Issue Order Copy on 25.04.2024.

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