



C.R.P.No.2155 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.2155 of 2024

Mageshwari

... Petitioner

Vs.

Anandan (Died),
1.Megala,
W/o.Late A.Siva Kumar.

2.Minor Pragadeesh,
S/o.Late A.Sivakumar.

3.Minor Hasini,
D/o.Late A.Sivakumar,
Minors are represented by their Mother, Natural Guardian Megala,
W/o.Late A.Sivakumar,
All Residing at 26,
Pakkiri Mohamed Sahib Street @ Thoppu Street,
Dharnampet,
Gudiyatham, Vellore District.

4.N.Parameswaran,

5.M/s.ICICI Lomarad General Insurance Company Ltd.,
Rep. by its Manager,
Katpadi Road,
Gandhi Nagar, Vellore.



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6.Soundarajan

7.Komathi

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to issue a direction on the Court of the Motor Accident Claims Tribunal at Gudiyatham to dispose of the petition in M.C.O.P.No.339 of 2015 within a time frame as fixed by this Court by allowing this civil revision petition.

For Petitioner : Mr.M.Sarath Kumar

ORDER

The petitioner/3rd defendant in M.C.O.P.No.339 of 2015 has filed this civil revision petition seeking early disposal of M.C.O.P.No.339 of 2015 pending on the file of the Motor Accident Claims Tribunal at Gudiyatham.

2.The learned counsel for the petitioner/3rd defendant submitted that the petitioner's son Sivakumar met with an accident on 30.08.2015 at 10.30 p.m., near Thirumurugan Thirumana Mandapam opposite, Ammapettai, Erode while crossing the road. This accident was fatal. For the said accident, the petitioners in M.C.O.P.No.339 of 2015 who are wife, minor



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son and daughter of late Sivakumar, filed claim petition before the Motor Accident Claim Tribunal at Gudiyatham. Thereafter, they have not shown much interest for the reason that the respondents 3 and 4 who are mother and father of late Sivakumar not to get any compensation. The petitioner's husband Anandan died on 26.11.2016, thereafter his legal heirs the respondents 5 and 6 impleaded. The sum and substance is that the petitioners in M.C.O.P.No.339 of 2015 seems to show no interest in progress of the case for the reasons best known. The Tribunal on several occasions right from the year 2019 recorded 'no further adjournment'. Now amended plaint copy filed. Despite several occasions though it is recorded 'no further adjournment', the case not progressed. The case referred to lok adalat on four occasion for settlement, but no progress. The learned counsel further submitted that the petitioner is aged about 63 years and she is suffering with various health ailments. Hence, he sought direction for speedy disposal.

3.Considering the submissions and on perusal of the adjudication, it is seen that the case is pending from the year 2015 for one reason or other and



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the case periodically adjourned on several occasions. Further, the matter referred to lok adalat on four occasions but no settlement arrived. Now all interim applications disposed, amended plaint copy also filed and the case is at the trial stage. It is almost nine years from the date of filing of claim petition. The Motor Accident Claim Tribunals are constituted for speedy disposal of claim petitions, so that adequate compensation without delay is ensured to the claimants. The petitioner though shown as respondent being legal heir of the deceased Sivakumar, she is a claimant. Hence, the petitioner/3rd defendant to be considered as claimant and the Tribunal to ensure justice to the petitioner. The petitioner can file appropriate petition to transfer herself from the 3rd defendant to claimant in the claim petition if so advised.

4.In view of the above, this Court directs the Motor Accident Claims Tribunal at Gudiyatham to complete the proceedings in M.C.O.P.No.339 of 2015 within a period of three months from the date of receipt of a copy of this order.



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WEB COPY 5. With the above directions, this civil revision petition stands disposed of. No costs.

21.06.2024

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

Index : Yes/No

Internet : Yes

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To

The Motor Accident Claims Tribunal at Gudiyatham.



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M.NIRMAL KUMAR, J.

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