



C.R.P.No.2122 of 2022

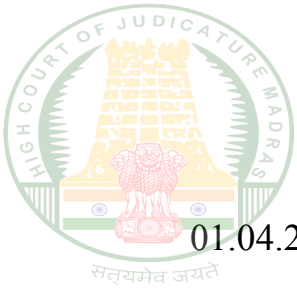
C.R.P.No.2122 of 2022

WEB C **BATTU DEVANAND, J**

Mr.Michael Visuvasam, learned counsel for the petitioner submits that this Civil Revision Petition has been filed against the decree and judgment dated 06.10.2021 in M.C.O.P.No.246 of 2015 on the file of the Motor Accident Claims Tribunal (In the Court of Chief Judicial Magistrate) at Nagapattinam.

2. In view of the objections raised by the Registry for the award amount involved in this issue is only Rs.30,000. The learned counsel submits that in fact they filed C.M.A under Section 173 of M.V. Act along with other connected decree and awards passed in different O.Ps. But, the Registry instructed them to file C.R.P. in light of the amendment made to the Section 173 of the M.V.Act.

3. The learned counsel further submits that the issue of maintainability of Civil Revision Petition has been considered by this Court in C.M.A. Sr.No. 56426 of 2022 and by order dated 10.08.2022, this court held that the filing of the an appeal against an award of amount less than a sum of Rs.1,00,000/- can be entertained in respect of appeal arising out of a claim petition filed prior to



01.04.2022.

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4. Admittedly, in the present case, the claim petition was filed prior to 01.04.2022 as against the award passed in the present case. Hence, the petitioner is entitled to file C.M.A.

5. Accordingly, the Registry is directed to convert this Civil Revision Petition into Civil Miscellaneous Appeal and number the same and post before the appropriate Court.

13.06.2024

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