



C.R.P.No.2260 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P. No.2260 of 2019
and
C.M.P. No.14703 of 2019

S. Shanmuga Sundaram S/o. Late R. Subbaiah
Petitioner

...

vs.

1. S. Veerammal W/o. Late Subbiah

2. S. Guna Sekaran S/o. Late R. Subbiah

3. S. Loorthu Ajith Kumar S/o. Santhiyagu

4. S. Meenakshi W/o. Subramanian

5. The New India Assurance Company Limited

... Respondents

Prayer: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the final order passed in MCOP No.1933 of 2018 dated 09.03.2019 on the file of Lok Adalat, Coimbatore.



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For Petitioner : Mr. Deepan Uday

For Respondents : Mr. K. Kalaivanan
for M/s. C.D. Johnson [for R1 & R2].
R3 and R5 – Served -No appearance

R4 - Not ready in notice.

ORDER

The Civil Revision Petition is filed challenging the Lok Adalat award dated 09.03.2019 passed in M.C.O.P. No.1933 of 2018 on the file of Motor Accident Claims Tribunal (Principal District Court), Coimbatore. The unserved 4th respondent is owner of the vehicle and she did not sign in the impugned Lok Adalath award and hence this Court is inclined to dispose the Civil Revision Petition even without service of notice on her.

2. The respondents 1 and 2, who are mother and brother of the petitioner, filed Motor Accident Claims petition seeking compensation for the death of one Subbiah, who died in a road accident that was taken place on 03.07.2018. The respondents 1 and 2 filed the above claim petition by arraying the petitioner as the 4th respondent. The 1st respondent is the wife of



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said Subbiah. The petitioner and the 2nd respondent are sons of said Subbiah.

Therefore, the petitioner is also entitled to claim compensation provided he is able to convince the Tribunal that he is a dependant of the deceased.

3. The claim petition filed by the respondents 1 and 2 was settled in Lok Adalat organized by Coimbatore District Legal Service Authority on 09.03.2019. A perusal of the award would suggest that the respondents 1 and 2 only signed the award and the petitioner who was arrayed as 4th respondent, has not signed the award. As per the terms of the award, a sum of Rs.3,25,000/- was fixed as compensation. The apportionment of the award amount was made by allocating a sum of Rs.2,25,000/- in favour of the 1st respondent and Rs.50,000/- each to the petitioner and the 2nd respondent. The award further states that in case the petitioner is not willing to claim Rs.50,000/- on or before 09.09.2021, the respondents 1 and 2 are entitled to take Rs.25,000/- each. However, the said award was not at all signed by the petitioner. It is seen from the typed set of papers that the petitioner received the notice from the counsel who represented the respondents 1 and 2 / claimants mentioning date of hearing of main original petition as 23.09.2019.



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However, the matter was settled before the Lok Adalat even before the hearing date on 09.03.2019. Therefore, it is clear that Lok Adalat award was obtained by the respondents 1 and 2 behind the back of the petitioner even before the date of hearing mentioned in the notice served on the petitioner. In such circumstances, the Lok Adalat award dated 09.03.2019 is liable to be set aside and the Civil Revision Petition is allowed.

4. The claim petition in MCOP No.1933 of 2018 is restored to the file of learned Principal District Judge, Coimbatore and the same shall be disposed of in accordance with law after issuing notice to all the parties. No costs. The connected miscellaneous petition is closed.

18.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
mjs

To

The Principal District Court,
(Motor Accident Claims Tribunal),
Coimbatore.

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S.SOUNTHAR, J.

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