



WEB COPY

CMP NO. 16880 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-12-2024

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

CMP NO. 16880 of 2023

IN

CMA NO. 3353 OF 2014

United Insurance Co.Ltd,
No. 146, N Kumar Complex, Tiruchengode.

Appellant(s)

Vs

Madheswaran
S/o.Govindaraj, Arasu Pallipalayam, Kolinjivadi Post,
Dharapuram Tk. and 3 Others

Respondent(s)

For Appellant(s):

M/s.J.Chandran

For Respondent(s):

M/s.Ma.P.Thangavel For R1

M/s.S.Arun Kumar For R4

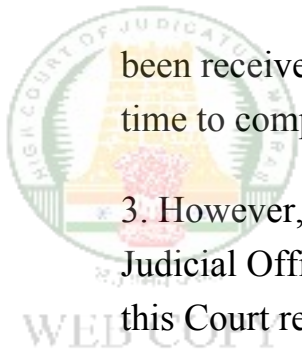
R-2 Exparte

R-3 No Appearance

ORDER

This matter is listed under the caption “For Clarification” at the instance of the Court.

2. The petition was initially ordered by this Court on 12.11.2024 with a direction to mark the document, which is filed in CMP No.16880/2023 as ‘Ex.A-1’. However, after the came to be passed, it was brought to the notice of this Court by the Registry that vide order dated 5.9.2023, the matter was remanded to the Tribunal for the purpose of deciding the validity of the insurance policy and to consider whether the insurance policy was in force at that time. However, when the matter was listed on 24.10.2024, the report having not reached the Court, it was once again adjourned to 11.11.2024. Even on 12.11.2024, when the matter was taken up, the report has not



been received, but for a letter from the Judicial Officer, requesting for some more time to comply with the directions.

3. However, when the earlier order came to be passed, the factum of the report of the Judicial Officer was not appraised to the Court as also the earlier orders passed by this Court resulting in the order dated 12.11.2024 being passed by this Court.

4. However, later in point of time, the aforesaid details were brought to the notice of this Court, which prompted this Court to list the matter for clarification.

5. This Court heard the learned counsel appearing for the parties in the appeal and pointed out that this Court being the first appellate court, could very well weigh the evidence, take it on record and deliberate on it and there was no necessity to place the same before the court below for appreciating the above document and the learned counsel on either side fairly agreed that the issue with regard to accepting the documents placed by means of the present miscellaneous petition could be deliberated by this Court when hearing the appeal and this Court may take the above documents on record.

6. In view of the fair stand taken by the learned counsel appearing on either side, the earlier order dated 12.11.2024 as also the order dated 5.9.2023 and 24.10.2024 are recalled and the present miscellaneous petition is ordered as prayed for. The documents, which are placed before this Court be marked as Exs.C-1 and C-2 (Xerox Copy only) and the reliability and applicability of the documents will be considered by this Court at the time of hearing the appeal. Registry is directed to take steps to get back the records which were sent back to the Tribunal on remand of the matter.

7. The miscellaneous petition is ordered in the above terms and Registry is directed to list the appeal for final hearing on 06.01.2025.

21-12-2024

To

1. Madheswaran
S/o.Govindaraj, Arasu Pallipalayam, Kolinjivadi Post, Dharapuram

<https://www.tn.gov.in/judis>

2. K.Kumar
S/o.Krishnan, No. 164/C, N.No. 211.3 Veppadai, Elanthakuttai, Tiruchengode Tk.



3. P.Ramalingam

S/o.Ponnusamy, 1197, Korakottampalayam, Thaneerdandapalayam,
Mooamangalam, Tiruchengode Tk, Namakkal Dist.

4. Reliance General Insurance Co.Ltd

Gee Jay Arcade 1st Floor, No. 14 1/71, Thiruventasamy Road West, R.S.Puram,
Coimbatore.

SKT