



C.R.P.(PD).No.3143 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.3143 of 2024
and C.M.P.No.17164 of 2024

The Divisional Manager,
M/s.ICICI Lombard General Insurance
Company Limited,
No.140, 1st Floor,
ECR Main Road,
Kottupalayam,
Puducherry.

.. Petitioner

Versus

1. Y.Moideen

2. Sri Athinadha Suppliers,
No.20/8, 121/6, 37 E,
Anna Nagar, 2nd Street,
Marakanam Road,
Manur, Aathru P.O.,
Villupuram District,
Tamil Nadu.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order, dated 08th January, 2024, passed in I.A.No.1410 of 2023, in Un MCOP of 2023, by the learned Principal District Judge, at Puducherry.

For Petitioner : Mr.R.V.Sivaraj



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ORDER

This Civil Revision Petition arises against the order of the learned Motor Accident Claim Tribunal, Puducherry in I.A.No.1410 of 2023 in unnumbered M.C.O.P of the year 2023, dated 08.01.2024.

2. The accident, according to the claim petition, took place on 13.10.2022. An F.I.R came to be filed on 16.10.2022. After the amendment to the Motor Vehicles Act came into force on and from 01.06.2022, an F.I.R has to be registered within six months from the date of accident. In case, an F.I.R is registered by the Police, then, as per the new Act, it has to be treated as a claim petition. I held so in *Malaravan Vs. Praveen Travels Pvt. Ltd., 2023 (2) TN MAC 416*. From the aforesaid facts, it is clear that the F.I.R has been registered within three days from the date of accident. Therefore, the question of condonation of delay would not arise.

3. Mr.R.V.Sivaraj, learned Counsel for the civil revision petitioner would submit that the vehicle, which is said to be the tortfeasor, is not the



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vehicle involved in the accident endured by the victim on 13.10.2022. This is a matter for evidence. That need not be gone into at the time of numbering the M.C.O.P petition.

4. Leaving it open to the Insurance Company to raise this objection by way of a counter and during trial, this Civil Revision Petition is dismissed.
No costs.

12.08.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

The Principal District Judge,
Puducherry.



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V.LAKSHMINARAYANAN, J.

grs

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