



C.M.A(MD)No.614 of 2010

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.07.2024**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.614 of 2010

- 1.Ponnammal
- 2.Minor Monika
- 3.Minor Lakshmanamoorthi
- 4.Lakshmana Thevar
- 5.Petchiammal

... Appellants

(Minor claimants 2 and 3 through their mother
and next friend Ponnammal 1st claimant herein)

Vs.

- 1.Swamidoss
- 2.The United India Insurance Company Limited,
Nagercoil.
- 3.Canara Bank,
Sengottai.
- 4.The United India Insurance Company Limited,
Palayamkottai.
- 5.P.Samy Dhas
- 6.The National Insurance Company Limited,
represented by its Branch Manager,
Branch Office, North Car Street,
Post Box No.112, Nagercoil – 629 001.

... Respondents



C.M.A(MD)No.614 of 2010

(R5 and R6 are impleaded vide Court order dated 01.04.2014 made in M.P.(MD)No.1 of 2014 in C.M.A.(MD)No.614 of 2010)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against award passed by the Tribunal cum I Additional District Judge cum Chief Judicial Magistrate, Tirunelveli, dated 07.08.2001, made in M.C.O.P.No.625 of 1999.

For Appellants	: Mr.T.Selvakumaran
For R1	: Mr.S.N.Narasimhalu
For R2 and R4	: Mr.A.S.Mathialagan
For R3	: Mr.V.Ramalingam
For R5	: M/s.J.Jessimathul Fathima
For R6	: Mr.S.Srinivasa Raghavan

JUDGMENT

The claimants have preferred this Civil Miscellaneous Appeal.

2. It is a case of fatal. The owner of the offending vehicle was not made as a party before the Tribunal. However, he has been impleaded as a party in the appellate stage. If so, orders cannot be passed without giving opportunity to the impleaded parties.

3. Therefore, this Court is inclined to remit the case back to the Trial Court



C.M.A(MD)No.614 of 2010

for reconsideration. The Tribunal shall issue notice to all the parties including the owner of the offending vehicle and thereafter shall pass appropriate orders.

4. Hence, the impugned order is set aside and the case is remitted back to the Tribunal. The Tribunal shall consider the case and pass orders within a period of one year from the date of receipt of a copy of this judgment. Since boycott is continuing in the Lower Courts, this Court is fixing a longer time to complete the trial.

5. With the above said observation, the Civil Miscellaneous Appeal is allowed. No costs.

30.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note: Issue order copy on 31.07.2024.



C.M.A(MD)No.614 of 2010

To

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1. Tribunal cum I Additional District Judge
cum Chief Judicial Magistrate,
Tirunelveli.
2. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A(MD)No.614 of 2010

S.SRIMATHY, J.

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C.M.A(MD)No.614 of 2010

30.07.2024