



C.R.P.(MD)Nos.2209 and 2210 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD)Nos.2209 and 2210 of 2024

and

C.M.P.(MD)No.12529 of 2024

C.R.P.(MD)No.2209 of 2024:-

Selvaraj (Died)

1.Vanaja

2.Ammami

3.Minor Dhayalini

4.Minor Deepak

... Petitioners/Petitioners 2 to 5/
Claimants 2 to 5

*(Petitioners 3 and 4 are represented by their
mother and guardian, the first petitioner / Vanaja)*

Vs.

1.N.Prabakaran

2.The Divisional Manager,
Sriram General Insurance Company Limited,
2nd Floor, Andavar Plaza,
No.609, A-2, Salem Main Road,
Namakkal Post and Taluk,
Namakkal District.

3.D.Sivakumar

... Respondents/Respondents/Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order passed by the learned Subordinate



C.R.P.(MD)Nos.2209 and 2210 of 2024

Court (MACT), Thuraiyur, Trichy District made in I.A.No.5 of 2024 in M.C.O.P.No.17 of 2019 dated 26.06.2024 and to allow the Civil Revision Petition.

For Petitioners : Mr.K.Muthumalai

C.R.P.(MD)No.2210 of 2024:-

Selvaraj (Died)

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... Respondents/Respondents/Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed by the learned Subordinate Court (MACT), Thuraiyur, Trichy District made in I.A.No.4 of 2024 in



C.R.P.(MD)Nos.2209 and 2210 of 2024

M.C.O.P.No.17 of 2019 dated 26.06.2024 and to allow the Civil Revision
Petition.

For Petitioners : Mr.K.Muthumalai

* * *

COMMON ORDER

The claimants in M.C.O.P.No.17 of 2019 on the file of the Sub Court (MACT), Thuraiyur are the revision petitioners herein. The claimants filed two I.As for reopening the proceedings and for examining a witness. The insurance company made an endorsement that they have no objection for allowing the I.As. But the Court below dismissed the I.As vide order dated 26.06.2024. Questioning the same, the present civil revision petitions have been filed.

2.Issuance of notice to the respondents is dispensed with because they did not oppose the I.A prayer before the Court below.

3.I will not fault the learned Sub Judge, Thuraiyur for passing caustic remarks against the claimants. The M.C.O.P. is already five years old. Even though they were given sufficient opportunity, they had not paid batta and



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produced witness, the Court below came to the conclusion that the claimants are not exhibiting their bonafides in prosecuting the claim.

4. Even though the remarks of the learned Judge are well founded, I am inclined to grant one more opportunity to the claimants. The claimants after all seek compensation for the injury suffered by Selvaraj. It is not in the interest of the claimants to prolong the matter. In order to render substantial justice, the impugned orders are set aside and the civil revisions petitions are allowed. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2024

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

The Sub Court (MACT),
Thuraiyur,
Trichy District.



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G.R.SWAMINATHAN, J.

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