



C.R.P.(MD)No.3378 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2024

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

C.R.P.(MD)No.3378 of 2023
and C.M.P.(MD).No.17469 of 2023

M/s.Cholamandalam MS General Insurance
Company Ltd.,
New Millenium Complex,
No.3 & 4, 1st Floor,
Dindigul High Road,
Kalavasal,
Madurai District,
Madurai.

... Petitioner/2nd Respondent

Vs.

1.Velammal
2.Karpagavalli
3.Ponnammal
4.Minor Bala Ayyanar

... Respondents 1 to 4/
Petitioners 1 to 4

5.K.Kasi

... 5th Respondent/1st Respondent

PRAYER : Civil Revision Petition is filed under Section 227 of Constitution of India, to set aside the Lok Adalat Order passed in M.C.O.P.No.70 of 2022 on the file of the Lok Adalat (Sub Judge), Aruppukottai, dated 12.11.2022.



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For Petitioner : Ms.K.R.Shivashankari

For Respondents : Mr.M.Jothibasur for R1 to R4

ORDER

This revision petition has been filed to set aside the Lok Adalat Order passed in M.C.O.P.No.70 of 2022 on the file of the Lok Adalat (Sub Judge), Aruppukottai, dated 12.11.2022.

2.M.C.O.P.No.70 of 2020 was preferred by the respondents 1 to 4 before the Tribunal seeking compensation for death of one Periyasamy. Pending the above said process, the matter was referred to the Lok Adalat and taken on Lok Adalat, wherein, there was a compromise between the claimant and the Insurance Company. Even though owner of the vehicle is shown as party, it appears that whether he appeared or not on that date, is not clear on record. The amount was settled between the parties to the tune of Rs.4,30,000/- by the award dated 12.11.2022. After that the first respondent namely Kasi sent representation on 10.12.2022 stating that his vehicle was not involved in the occurrence. He stated in his representation that he met with an accident on 21.03.2022. His vehicle was taken to Rettiyarpatti Police Station. It was kept there for



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three days. Later, it was taken to service to the show room on 25.03.2022. Thereafter only, it was delivered after making the repair works. According to him, the above said accident as mentioned in the petition did not happen. On that ground this petition has been filed by the Insurance Company to recall the above said award and set aside the same.

3.The learned counsel for the respondent submitted that in fact the first respondent namely Kasi was a party in M.C.O.P.No.70 of 2022 before the Tribunal. He also engaged an Advocate and thereafter did not prosecute the matter. Thereafter, the matter was referred to the Lok Adalat. In the Lok Adalat there was a settlement. The learned counsel for the respondent would submit that baseless allegations has been made by the fifth respondent that the vehicle was not involved in the occurrence. Since some other allegations are made, he is not going to pursue the matter further. In stead the order may be recalled. So that he can also contest the matter before the Tribunal. In that event, he may be entitled for enhancement of compensation.



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4. In the light of the above said submissions made on either side, the Lok Adalat Order passed in M.C.O.P.No.70 of 2022 on the file of the Lok Adalat (Sub Judge), Aruppukottai, dated 12.11.2022 is hereby set aside. The matter is directed to be taken up by the tribunal namely the Sub Court, Aruppukottai and proceed in accordance with law and dispose of the same afresh as early as possible.

5. Let the amount that was deposited by the petitioner to be stand in the credit of the number subject to the result of the above said M.C.O.P.

6. With the above said directions, this civil revision petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2024

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

To

1. The Subordinate Judge, Aruppukottai.

2. The Section Officer,
E.R. Section/V.R. Section,

4/6



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Madurai Bench of Madras High Court, Madurai.

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G.ILANGO VAN,J.

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