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CRP No.354 of 2025
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

CRP No.354 of 2025

1.K.Nageshwari
2.K.Shobiya
3.K.Shobika
4.K.Sharathi
5.Valliyammal
6.Perumal

... Petitioners

Vs

1. The Managing Director,
TNSTC (Madurai Region),
Virudhunagar.

2. The Manager,
TNSTC (Madurai Region),
Virudhunagar,
Koyambedu Moffusal Bus Stand,
Chennai-600 107.

... Respondents

Revision filed under Article 227 of the Constitution of India against the fair and final orders dated 19.12.2024 passed in MCOP No.5907 of 2022 on the file of Motor Accident Claims Tribunal, Chennai (Chief Judge, Court of Small Causes), Chennai.

For Petitioners	: Mr.K.Sudhakar For Mr.R.Nalliyappan
For Respondents	: Ms.K.Sathyabama Standing Counsel for R.1 R.2 – Not ready in notice



ORDER

Heard Mr.K.Sudhakar, learned counsel for the petitioners and Ms.K.Sathyabama, learned Standing Counsel for the first respondent Transport Corporation.

2. Learned counsel for the petitioners submits that even though the respondents submitted to the jurisdiction of the Tribunal before the Chennai Courts and the Original Petition having been filed in the year 2022, suo-motu, the learned Chief Judge, Court of Small Causes, by order dated 19.12.2024 finding that the petitioners are only residents of Dindigul and that no part of cause of action arose within the jurisdiction of the Tribunal at Chennai, proceeded to dismiss MCOP No.5907 of 2022, granting liberty to the petitioners to file a fresh claim petition before the jurisdictional Tribunal. This said order is under challenge in this revision.

3. Learned counsel for the petitioners submits that the respondents had not raised any objection regarding jurisdiction in the counter affidavit, and much water has flown and thereafter the trial has also commenced in MCOP No.5907 of 2022 and even cross examination of P.W.1 is completed Inviting my attention to the counter affidavit filed by the respondents, learned counsel



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for the petitioners contends that the only defence raised in the counter is only in respect of quantum and therefore, he submits that no prejudice would be caused to the respondents especially when they have not raised any objection regarding the place of jurisdiction. Learned counsel would also rely on the judgment of this Court in CMA No.1085 of 2024 dated 19.06.2025 in the case of ***Subramani vs Muthuraj***, wherein this Court relying on the decision of Hon'ble Supreme Court in the case of ***Malati Sardar vs National Insurance Co.Ltd & Others*** reported in ***2016 TNMAC 1 SC***, where the Hon'ble Supreme Court has held that the provisions of the Act are to be interpreted in a benevolent manner for the victims of the accidents of negligent driving and the provision of territorial jurisdiction also has to be interpreted consistent with the object of facilitating remedies for the victims of accidents and hyper-technical approach in such matters can hardly be appreciated.

4. Learned Standing Counsel appearing for the first respondent would however state that the Chief Judge, Court of Small Causes has rightly found that the respondents are also not having their registered office within the territorial jurisdiction of the Tribunal at Chennai and admittedly, even in the claim petition, the petitioners themselves have not stated that they reside



within the jurisdiction of Chennai Courts and in such circumstances, there is no infirmity in the order passed by the Chief Judge, Court of Small Causes warranting interference.

5. I have carefully considered the submissions made by the learned counsel on either side.

6. As rightly argued by the learned counsel for the petitioners, the respondents have not raised the plea of jurisdiction and objected to the same at the earliest instance viz., in the counter statement filed and by participating in the trial, cross examining PW1 as well, the respondents have clearly submitted to the jurisdiction of this Court. There is no embargo for the claim for compensation being made at the place where the claimants reside. It is the case of the petitioners that the claimants are all now residing in Maduravoyal.

7. I find from the claim petition that petition has been filed on the strength of the second respondent having office within the jurisdiction of this Court. The Registry has not raised any objection regarding the maintainability of the petition before the Motor Accident Claims Tribunal at



Chennai. Further, as already discussed, the respondents have also not objected to the same at any point of time. Under such circumstances, the Court, suo-motu ought not to have put jurisdiction against the claimants and dismissed the petition. Considering the fact that the trial has already commenced and P.W.1 has already been cross examined, any hyper-technical approach would only defeat substantial justice at this stage and cause serious prejudice to the parties.

8. In the light of the above, the order passed by the learned Chief Judge, Court of Small Causes, Chennai in MCOP No.5907 of 2022 dated 19.12.2024 is set aside and the learned Chief Judge, Court of Small Causes, Chennai is directed to continue with the trial of MCOP No.5907 of 2022 and dispose of the same on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order.

9. With the above direction, the civil revision petition is allowed. No costs.

05.11.2025

Index:yes/no
Website:yes/no
Speaking Order/Non-Speaking Order
sr



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P.B.BALAJI.,J

sr

To

The Chief Judge, Court of Small Causes

C.R.P.No.354 of 2025

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