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C.R.P.No.3865 of 2025

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 21.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.R.P. No. 3865 of 2025

1. Annakili
2. Lokeswari
3. Soundrya
4. Parvathi

Palani (died)

...Petitioners

[Cause title accepted *vide* Court order dated
06.08.2025 made in C.M.P.No.18456 of 2025
in C.R.P.Sr.No.104048 of 2025]

Vs

1. Mohammed Umar
2. United Indian Insurance Co.Ltd.,
Branch Office, No.22, P.R.Srinivasa Rao Street,
Dharmapuri – 636 701.

...Respondents

PRAYER: Civil Revision Petition filed under 227 of Constitution of India, to set aside the returned docket order passed by the learned Motor Accident Claims Tribunal (Special District Judge) Dharmapuri in I.A.No. Unnumbered of 2024 in M.C.O.P.No.771 of 2022 dated 15.04.2025.

For Petitioners : Mr.P.M.Jayachandran

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ORDER

This Civil Revision Petition is filed challenging the returned docket order passed by the Motor Accident Claims Tribunal (Special District Judge) Dharmapuri in I.A.No.... Unnumbered of 2024 in M.C.O.P.No.771 of 2022 dated 15.04.2025.

2. Heard the learned counsel for the petitioners and perused the materials available on record.

3. The petitioners herein and one Palani had filed a claim petition in M.C.O.P.No.771 of 2022 before the Motor Accidents Claims Tribunal (Special District Judge), Dharmapuri, which came to be dismissed for default on 06.11.2024. Subsequently, the petitioners herein and the said Palani filed an application invoking Order IX Rule 9 and Section 151 of C.P.C. to restore the said MCOP, but the said application was returned for production of Legal Heirship Certificate of the deceased Palani. Aggrieved by the said returned docket order, the petitioners are before this Court by way of filing revision petition.

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4. It is the contention of the learned counsel for the petitioners that the petitioners herein are the claimants and Class-I legal heirs of the deceased Idumban, who died in a motor vehicle accident. The deceased Palani, who is the father of the deceased Idumban, is not the Class-I legal heir of the deceased Idumban and he is only the dependent and hence, there is no necessity to produce the Legal Heirship Certificate of the deceased Palani. It is further stated that the petitioners have filed the restoration petition along with exoneration petition to remove the 5th petitioner - Palani in the main MCOP, but the Tribunal, without considering the facts, returned the petition and hence, it is prayed that the impugned docket order may be set aside.

5. It is seen from the records that the petitioners herein and one Palani had filed a claim petition in M.C.O.P.No.771 of 2022 and the same was dismissed for default on 06.11.2024. Subsequently, the petitioners filed restoration application before the Court below. Though after filing the restoration petition, one of the party viz., Palani died, for taking steps to implead the legal heirs of the deceased Palani in the main MCOP, the Tribunal returned the application for production of Legal Heirship Certificate of the deceased Palani. The petitioners, without



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taking steps to produce the Legal Heirship Certificate of the deceased Palani, have come forward with the present revision petition.

6. Considering the facts and circumstances, this Court does not find any perversity in the impugned returned adjudication order passed by the Tribunal and hence, this Civil Revision Petition is dismissed as devoid of merits. There shall be no order as to costs. The petitioner is at liberty to re-present the said application after complying with the defects pointed out by the Tribunal.

7. The Registry is directed to return the original returned docket order of the Tribunal to the petitioner, after taking a photostat copy of the same to be kept in bundle.

21.08.2025

Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

1. The Motor Accident Claims Tribunal
(Special District Judge) Dharmapuri.
2. The Section Officer,
V.R.Section,
High Court, Madras.



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P.VELMURUGAN, J

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