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CRP No.4845 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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1. M.Gnanam
2. Muniyappan

Petitioners

Vs

1. Loganathan.N

2. The Divisional Manager,
United India Insurance Company Ltd.,
MTP Hub, 1st Floor, 43/397 "A".
Annai Indira Gandhi Street,
Rajapuram Paert-2, Thiruvallur-602 001.

Respondent(s)

Revision filed under Article 227 of Constitution of India against the fair and decretal order passed in MCOP No.61 of 2024 on the file of Motor Accident Claims Tribunal (Special District Courts), Thiruvallur dated 25.11.2024 pursuant to the Memo filed by the Insurance Company.

For Petitioners : Ms.P.Srividhya

For Respondents : No appearance



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ORDER

Heard the learned counsel for the petitioners.

2. Despite service of notice in the revision, the respondents have not chosen to appear, either in person or through counsel. The second respondent, in fact, is the contesting respondent. When the matter was listed yesterday (17.11.2025) finding that the second respondent has been served, I directed the Registry to print the name of the Insurance Company and post the matter "for Orders" today. Complying with the direction issued by this Court, the name of the second respondent/Insurance Company is printed in the cause list today, but, even today, there is no appearance for the second respondent.

3. The revision petitioners, as claimants, have filed MCOP No.61 of 2024 before Motor Accident Claims Tribunal, No.I, Special District Court, Thiruvallur, claiming compensation for the death of their son, who died, as a bachelor. When MCOP No.61 of 2024 was pending, the second respondent,



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Insurance Company filed a Memo stating that the petitioners have earlier filed MCOP No.229 of 2020 before the Additional District and Sessions Court, Tirupattur and MCOP No.229 of 2020 came to be dismissed for default on 22.08.2024. Accepting the Memo filed by the second respondent/Insurance Company, the learned Special District Judge No.I, Thiruvallur has given a finding that the petitioners have suppressed their earlier attempt to claim compensation and therefore, proceeded to dismiss viz., MCOP No.61 of 2024.

4. Learned counsel for the petitioners submits that it is the categorical assertion of the petitioners, who are the parents of the deceased, who suffered fatal injuries in a motor accident, that they never filed any petition earlier in MCOP No.229 of 2020. However, excepting the dismissal of MCOP No.229 of 2020 that too, dismissed for non-prosecution, there is no material on record to establish that the petitioners had in fact moved the earlier proceedings, claiming compensation arising out of the very same accident, in which they have lost their only son. The question of double claim cannot be put against the



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petitioners for the simple reason that the earlier petition has only been dismissed. If at all there had been an award in MCOP No.229 of 2020, then atleast the second respondent may have raised an objection with regard to double claim attempted by the petitioners.

5. I find from the impugned order that the petitioners were physically present before the Tribunal and the learned Judge has also enquired with the petitioners regarding filing of the earlier petition and the petitioners have stated that they signed blank paper as requested by the employer of their son and were not aware of any claim petition having been filed.

6. The Motor Vehicles Act is a beneficial legislation and the Tribunal should have accepted the bonafide explanation offered by the aged parents of the deceased, who lost their son. When there is a categorical assertion made by the petitioners that they have not filed the earlier petition, the Tribunal should not have proceeded to dismiss the present MCOP No.61 of 2024, without giving



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a fair opportunity to the petiitoners.

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7. In the light of the above, considering that the aged parents cannot be deprived of legitimate compensation for the loss of their son in an accident and also in view of the fact that the earlier MCOP No.229 of 2020, without going into whether it was filed by the petitioners or third parties, came to be dismissed for non-prosecution and no compensation has been awarded in favour of the petitioners as on date, I am inclined to set aside the order passed in MCOP No.61 of 2024 and the matter is remitted to Motor Accident Claims Tribunal No.I, Special District Court, Tiruvallur. It shall be open to the respondents to establish that it was only the petitioners who had filed earlier MCOP No.229 of 2020 and thereafter, the claim for compensation can be decided by the Tribunal, taking into account that earlier petition has been dismissed and no compensation has been awarded, and the effect of dismissal of the MCOP No.229 of 2020, it was found that it was filed only by the petitioners.



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8. Considering that the petitioners' son died in the year 2020 and considering that the petitioners have approached the Court in 2020, seeking compensation, I am inclined to direct the Motor Accident Claims Tribunal No.I,

Special District Court, Tiruvallur to dispose of MCOP No.61 of 2024 on merits and also taking into account the direction regarding the filing of the earlier MCOP No.229 of 2020 by the petitioners or not, and dispose of MCOP No.61 of 2024 within a period 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 cost.

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Index:yes/no
Website:yes/no



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Speaking Order/Non-Speaking Order
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P.B.BALAJI.,J,

sr

To

Motor Accident Claims Tribunal No.I, Special District Court, Tiruvallur

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