



Citation : CDJ 2016 MHC 7245

Court : Before the Madurai Bench of Madras High Court

Case No : TR. CMP. (MD). Nos. 482 to 485 of 2016 & CMP. (MD). Nos. 9761 to 9764 of 2016

Judges : THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

Parties : Royal Sundaram Alliance Insurance Co. Ltd., Karapakkam, Chennai Versus Manojkumar & Others

Appearing Advocates : For the Petitioner: -----. For the Respondents: -----

Date of Judgment : 28-11-2016

Head Note :

Subject

Judgment :

(Prayer in TR CMP(MD) No. 482/2016: Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to withdraw the MCOP No.61 of 2015 pending on the file of Motor Accident Claims Tribunal, (Sub Court), Kulithalai, and transfer the same for joint trial along with the MCOP No.907 of 2015 on the file of Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Perambalur.

CMP (MD) No. 9761 of 2016: To stay all further proceedings in MCOP No.61 of 2015 pending on the file of Motor Accident Claims Tribunal, (Sub Court), Kulithalai, pending disposal of the above Tr.CMP(MD) No.482 of 2016.

TR CMP (MD) No.483 to 485/2016: Petitions praying that in the circumstances stated therein and in the affidavits filed therewith the High Court will be pleased to withdraw the MCOP Nos.467 of 2015, 468 of 2015 and 469 of 2015 on the file of Motor Accident Claims Tribunal, (Special Sub Court), Trichy and transfer the same for joint trial along with MCOP No.907 of 2015 on the file of Motor Accident Claims Tribunal, (Chief Judicial Magistrate), Perambalur.

CMP(MD) No. 9762 to 9764/2016: To STAY all further proceedings in MCOP Nos.467 of 2015, 468 of 2015 and 469 of 2015 on the file of Motor Accident Claims Tribunal, (Special Sub Court), Trichy, pending disposal of the above Tr.CMP (MD) Nos.483 to 485 of 2016.)

1. These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/s. S. SRINIVASA RAGHAVAN, Advocate for the petitioner in all the petitions and of MR. N. SUDHAGAR NAGARAJ, Advocate for the first respondent in TR CMP (MD).483/2016 to 485/2016 and of MR. D. SIVARAMAN, Advocate for the third respondent in TR CMP (MD). 483/2016 to 485/2016 and the Court made the following order:

When these cases were taken up for hearing, Mr. S. Srinivasa Raghavan, Mr. R. Srinivasan and Mr. C. Ramachandran, learned counsels submitted that the MCOP applications shall be filed as per the rules, by the claimants,

(i) at the place of accident;

(ii) the place of the permanent resident of the claimant; and

(iii) where the respondent carries on the business or in the case of owner of the vehicle, the residence of the owner.

But, they contended that contrary to the abovesaid rules, the practice prevails that the claimants are filing MCOP applications, by creating bogus residential addresses, only with a view to file applications at the place of their choice and at the choice of their Court. In fact, such Tribunals/Courts have no jurisdiction to try these applications in accordance with law. It is painful that those Tribunals/Courts are not verifying the genuineness of the residential address of the petitioners/claimants.

2. Even for extending Government benefits, the Government documents like, Aadhaar Card, Passport, Voter I.D, Ration Card, Income-Tax Pan Card and Bank Passbooks are verified. But, the Tribunals/Courts are entertaining the applications, without even verifying the genuineness of the residential address of the respective petitioners/claimants and many number of bogus applications are filed and the same are pending before the Tribunals/Courts. It is the duty mandatory on the part of the scrutinizing officers in the Registry attached to the respective Tribunals/Court, to find out the correctness of the residential addresses of the petitioners, by verifying any one of the above stated Government Identity Cards, since the claim involves money. But, the practice prevailing is that the MCOP applications are entertained without any verification, which resulted in filing of number of bogus claims and the claimants are allowed to choose the Court of their choice without adherence to the rule of law. The situation will result not only adverse consequences, but will have an impact on the images of the Courts/Tribunals.

3. Hence, this Court is inclined to direct the learned Principal District Judge, Theni, learned Principal District Judge, Tiruchirapalli, learned Principal District Judge, Perambalur, learned Principal District Judge, Karur, and the learned Principal District Judge, Madurai, to submit a comprehensive report with regard to the above situation stated supra, enabling this Court to initiate appropriate action to prevent filing of such bogus MCOP applications by the petitioners/claimants. The respective abovesaid Principal District Judges are requested to submit their comprehensive reports in this regard, by ascertaining the actual position with their respective Registries functioning within their respective administrative jurisdiction, within a period of three weeks from the date of receipt of a copy of this order.

4. It is needless to state that minimum rule which is to be followed by the Tribunals/Courts, while scrutinizing the MCOP applications is that the residential proof has to be verified, by asking the claimants to produce the original documents, regarding their permanent residential addresses, through the recognized Government Identity Cards. In the absence of any such proof for residence, the MCOP applications need not be numbered. A person who is not having any such documents, in the case, where there is no Government Identity Cards, at least, a sworn affidavit is required regarding the residential address.

Post the matter after three weeks.

Registry is directed to circulate copy of this order to all the subordinate courts.