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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

PRESENT:-

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

CMA.NO.3235 OF 2014

1.R.Mallika

2.Minor Mithra Shree
Rep.by M & NF Mrs.R.Mallika

3.N.Niraimathi ... Appellants/Petitioner

Versus

1. A.Babu

2. M/s.Bajaj Allianz General Insurance Co.Ltd.
C/o.Motor Third Party Claims Offices,
No.25/26, College Road, Prince Towers, Nungambakkam
Chennai-600 006.

3. The Secretary,
Home Department,
Government of Tamil Nadu,
St.George Fort, Chennai.

4. The Director General of Police,
Mylapore, Chennai.

5. The Union of India represented by its
Secretary Surface Transport Ministry,
New Delhi.

... Respondents/Respondents

RR 3 & 4 Suo motu impleaded vide
order of Court dated 11.12.2014 made
in CMA.No.3235 of 2014
R5 Suo motu impleaded vide order
of Court dated 23.03.2015 made in
CMA.No.3235/2014.



Prayer:-

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 against the judgment and decree made in MCOP.No.2824 of 2011 on the file of Motor Accident Claims Tribunal, The Special Sub Judge, Small Causes Court at Chennai dated 23rd day of July 2014.

ORDER:-

This CMA petition listed under the caption "For Clarification" pursuant to the Orders of this Court dated 08.06.2015 and 22.09.2015 and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.G.Balachandran, Advocate for the petitioner, and of Mr.R.Shanmugasundaram, Advocate General, Assisted by Mrs.R.Anitha, Government Advocate and Mr.Rajesh Vivekanandan, ASG for Respondents, the Court made the following order:-

This matter has been listed under the caption "For clarification". It is seen that pursuant to the orders of this Court, the Government has insisted compulsory wearing of helmet while travelling in two-wheelers and it is being implemented and about 75% to 80% of people are wearing helmet. However, the balance 20% to 25% of people are not wearing. Therefore, this Court expects stringent action to be taken against the violators who are not wearing helmet under Section 129 of the Motor Vehicles Act. Further, it is seen that apart from Chennai, including rural areas and other urban areas, the rule of wearing an helmet while travelling in a two-wheeler, is not followed by the people and almost 75% to 80% of the people are not wearing.

2. Therefore, the Director General of Police is directed to give appropriate direction to the concerned Superintendents of Police to see that both the two wheeler rider and the pillion rider wear helmet which will not only save their precious life but also the life of their family who are depending upon them and also the innocent other road users. With the above directions, this Civil Miscellaneous Appeal is clarified. No further order is necessary.

-Sd/-

Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

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To

1. The Special Sub Judge,
Motor Accident claims Tribunal
Small causes Court,
Chennai.
2. M/S.Bajaj Allianz General Insurance Co.Ltd,
C/o.Motor Third Party claims Officer,
No.25/26, College Road, Prince Towers,
Nungambakkam, Chennai -6
3. The Secretary,
Home Department,
Government of Tamil Nadu,
St.George Fort, Chennai.
4. The Director General of Police,
Mylapore, Chennai.
5. The Secretary,
Union of India,
Surface Transport Ministry,
New Delhi.
6. The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to the Government Pleader, in SR.No.42100

Order Dated:-08.06.2015

ORDER:-

C.M.A.No.3235 of 2014

Directions etc., as stated
therein.

SRA (CO)
CS/27/09/2021