

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.06.2016

CORAM

THE HONOURABLE MR. JUSTICE M. DURAISWAMY

C.R.P.(PD)No.1841 of 2016 &

C.M.P.No.9647 of 2016

The New Indian Assurance Co. Ltd.
Micro Office
Cuddalore Road
Viruddhachalam

... Petitioner

v.

Veeramuthu

... Respondent

Civil Revision Petition filed under Article 227 of the Constitution of India, against the petition and order in I.A.No.86 of 2016 in M.C.O.P.No.413 of 2014 on the file of the Motor Accidents Claims Tribunal (Additional District III Judge) at Viruddhachalam.

For Petitioner : Ms.Sree Vidhya

ORDER

Challenging the fair and final order passed in I.A.No.86 of 2016 in M.C.O.P.No.413 of 2014 on the file of the Motor Accidents Claims Tribunal (Additional District III Judge), Viruddhachalam, the second respondent-Insurance Company has filed the above Civil Revision Petition.

2. The respondent-claimant filed the Original Petition in M.C.O.P. No.413 of 2014 claiming compensation. The insurance company filed their counter in the Original Petition and are contesting the same.

3. When the MCOP was taken up for trial, after the examination of P.W.1 and P.W.2 and when the case was posted for the respondent's side evidence, the revision petitioner-insurance company filed an application in I.A.No.86 of 2016, under Order 8, Rule 9 of CPC, seeking permission to file additional counter.

4. On a perusal of the counter affidavit, it could be seen that the insurance company had taken a stand that the vehicle bearing Registration No.TN41 AE 2953 was not involved in the accident and therefore, the Original Petition filed by the claimant is liable to be dismissed.

5. On a perusal of the original counter filed by the insurance company, it could be seen that the stand now taken by the insurance company was not taken originally and only after the completion of the claimant's side evidence, the insurance company had filed the present application seeking permission to file additional counter, which is contrary to the stand taken by them in the original counter.

6. The Motor Accidents Claims Tribunal, taking into consideration the fact that the insurance company is trying to introduce a new case, rightly dismissed the application.

7. In these circumstances, I do not find any error or irregularity in the order passed by the Motor Accidents Claims Tribunal. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2016

Index : Yes/No

Rj

To
The Motor Accidents Claims Tribunal
(Additional District III Judge)
Viruddhachalam.

M. DURAISWAMY,J.,

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