

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM:

THE HONOURABLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1927 of 2017
& C.M.P.No.9292 of 2017

Palanisamy

.. Petitioner

Vs.

1.Ramesh

2.Cholamandalam M/s.General Insurance Company Ltd.,
Rep. by its Manager, 60.A, Mosuvanna Street,
EVN Road, Near LKM Hospital, Erode – 638 009.

3.E.P.Muthukumar

4.United India Insurance Company Ltd.,
Rep. by its Manager, 4-A, Big Bazaar Street,
Dharapuram – 636 656.

(R1 to R3 remained ex parte before the Tribunal

Notice to R1 to R3 may be dispensed with)

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order made in I.A.No.982 of 2016 in M.C.O.P.No.172 of 2013 on the file of the Motor Accident Claims Tribunal Cum Additional District Judge, Erode District at Bhavani, dated 10.02.2017.

For Petitioner : Mr.C.Kulanthaivel

ORDER

The Civil Revision Petition has been filed praying to set aside the order dated 10.02.2017 made in I.A.No.982 of 2016 in M.C.O.P.No.172 of 2013 on the file of the Motor Accident Claims Tribunal Cum Additional District Judge, Erode District at Bhavani.

2. The petitioner filed M.C.O.P.No.172 of 2013 on the file of the Motor Accident Claims Tribunal Cum Additional District Judge, Erode District at Bhavani. He claimed a sum of Rs.5,00,000/- as compensation for the injuries sustained by him, in the accident that occurred on 26.11.2012. The respondents 2 and 4 filed the counter statement and are contesting the claim petition. The petitioner examined himself as P.W.1, and examined the doctor as P.W.2 and closed the evidence on his side. The **first** respondent examined his witness as R.W.1 and closed the evidence on his side. Thereafter, when the MCOP case was posted for arguments, the petitioner filed an application in I.A.No.982 of 2016 to permit him to reopen the case for the purpose of examining another eye-witness on his side.

3. The respondents opposed the said application on the ground that the petitioner himself is an eye-witness to the accident, and with a view to create a new case, the petitioner has filed the present application in I.A.No.982 of 2016. It is averred in the counter that the petitioner has not furnished the name and address of the proposed eye-witness, who is sought to be examined by the petitioner.

4. The learned Judge considering the averments in the affidavit and counter affidavit, dismissed the application in I.A.No. 982 of 2016 vide order dated 10.02.2017.

5. Against the order of dismissal dated 10.02.2017, passed by the learned Additional District Judge, Erode District at Bhavani in I.A.No.982 of 2016, the present Civil Revision Petition has been filed.

6. I have heard the learned counsel for the petitioner and

perused the materials on record. From the material available on

records, it is seen that the petitioner is claiming compensation against the respondents for the injuries sustained by him in the road accident that occurred on 26.11.2012. In the accident, the petitioner who suffered injury is alive and he himself is as an eye-witness, and that too he had examined himself as P.W.1, and also examined the doctor as P.W.2 and closed his side evidence. Thereafter, the case was posted for arguments. At that stage, the petitioner sought the permission of the trial Court to re-open the MCOP case for examination of further witness, without even providing the name and address details of the proposed eye-witness who is then sought to be examined by him, and more so, no reason was stated by the petitioner in the application for not examining the said proposed eye-witness earlier. Under the said circumstances, the trial Judge has dismissed the application in I.A.No.982 of 2016 in MCOP. No.172 of 2013. There is no infirmity or illegality in the order dated 10.02.2017, passed by the learned Additional District Judge, Erode District at Bhavani in I.A.No.982 of 2016 in MCOP. No.172 of 2013, warranting interference by this Court.

5. In view of the above, the Civil Revision Petition is devoid of merits and dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

22.06.2017

Speaking order/Non-speaking order
Index : Yes
rna/ds

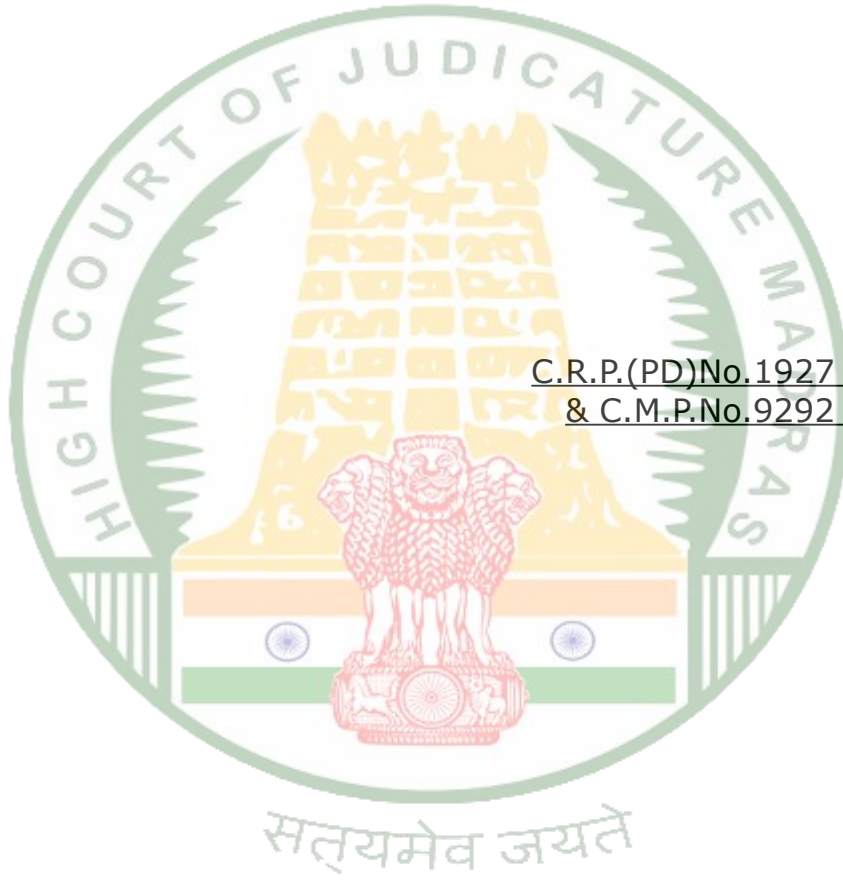
To

The Motor Accident Claims Tribunal
cum Additional District Judge,
Erode District at Bhavani.

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V.M.VELUMANI, J.

rna/ds



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