

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2017

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THE HON'BLE MR. JUSTICE **D. KRISHNAKUMAR**

CRP.(PD). No.4463 of 2017
and C.M.P.No.21060 of 2017

V.Praveen Kumar

..Petitioner

Vs.

1.A.Mohammed Raffic

2.Shriram General Insurance Company Ltd

No.66, Shriram General Inside City Centre Complex,
Syed Thiru Mallai Pillai Road,
T.Nagar, Chennai 600 017.

..Respondents

PRAYER:

The Civil Revision Petition is filed under Article 227 of the Constitution of India against the order and decree dated 17.08.2017 made in M.P.No.2538 of 2017 in MACT O.P.No.8202 of 2013 on the File of the II Judge, Motor Accidents Claims Tribunal (Court of Small Causes), Chennai.

For petitioner : Mr.P.T.Saleem Fathima

ORDER:

The revision petitioner has filed a petition in MACT.OP.No.8202 of 2013 before the Motor Accidents Claims Tribunal, Chennai. Admittedly, evidence of both sides was

concluded and posted for arguments on 17.08.2017. At this stage, the revision petitioner has filed the instant application to reopen and let in evidence on the side of petitioner in the aforesaid OP. But the court below has dismissed the said application. Challenging the said order, the revision petitioner has filed the present Civil Revision Petition before this Court.

2. The learned counsel for the revision petitioner would submit that the revision petitioner has to substantiate his case regarding two aspects viz., negligence and earnings. Therefore, only in the interest of justice, the instant application has been filed to let in further evidence before the court below and no prejudice would be caused to the respondents if the said application is allowed. Therefore, the order of the Tribunal is liable to be set aside.

3. Heard, the learned counsel for the petitioner and perused the materials available on record.

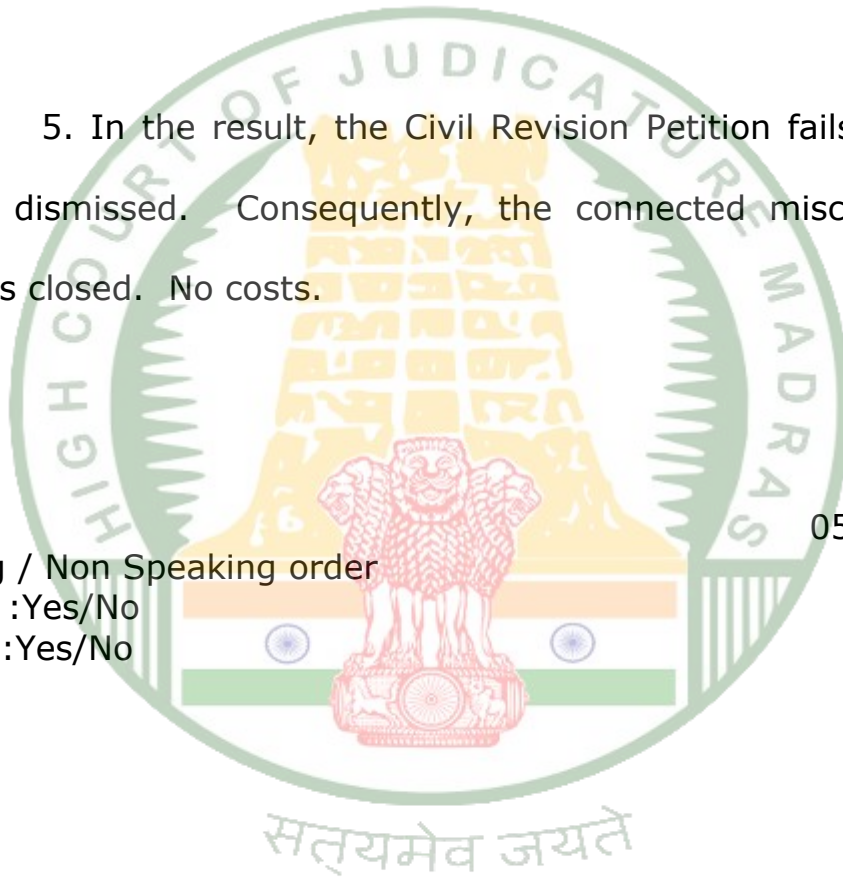
4. The present application has been filed by the petitioner at the stage of arguments. Perusal of the affidavit would show that the petitioner has not stated any reason for adducing

further evidence. The Tribunal / court below has also observed that at the stage of arguments, the present application cannot be entertained and hence dismissed the application. Therefore, there is no prima facie case is made out. As such, there is no warrant to interfere with the orders passed by the court below.

5. In the result, the Civil Revision Petition fails and the same is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

05.12.2017

Speaking / Non Speaking order
Index :Yes/No
Internet :Yes/No
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D.KRISHNAKUMAR.J,

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To

The II Judge,
Motor Accidents Claims Tribunal
(Court of Small Causes),
Chennai.

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