

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2017

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THE HON'BLE Ms.JUSTICE V.M.VELUMANI

C.R.P.(NPD) No.637 and 638 of 2006
and C.M.P.Nos.5100 and 5101 of 2006

National Insurance Company Ltd.,
 No.19, Officers' Line,
 Vellore, Vellore District.

.. Petitioner in both CRPs.

Vs

1.G.Thangarasu

..1st Respondent in C.R.P.No.637 of 2006

1.M.Balaraman

..1st Respondent in C.R.P.No.638 of 2006

2.Chandrasena

3.N.Balakrishnan

4.United India Insurance Company Ltd.,

Katpadi Road, Vellore, Vellore District. .. Respondents 2 to 4 in both CRPs.

Common Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decretal orders dated 21.10.2005 made in MCOP Nos.242 of 2004 & 17 of 2005 on the file of the Motor Accidents Claims Tribunal (Additional District Judge/Fast Tract Court), Tirupattur.

For Petitioner :
 (in both C.R.Ps')

Mr.D.Bhaskaran

For R1 :

Dismissed Vide Court Order
 dated 23.03.2010

For R2 to R4 :
 (in both C.R.Ps')

No Appearance

COMMON ORDER

These Civil Revision Petitions have been filed against the orders dated 21.10.2005 made in MCOP Nos.242 of 2004 & 17 of 2005 on the file of the Motor Accidents Claims Tribunal (Additional District Judge/Fast Tract Court), Tirupattur.

2. The petitioner is the second respondent, first respondents in both the Civil Revision Petitions are the petitioners and second respondent is the first respondent and third and fourth respondents are the third and fourth respondents in MCOP. Nos.242 of 2004 & 17 of 2005, on the file of the Motor Accidents Claims Tribunal (Additional District Judge/Fast Tract Court), Tirupattur. The first respondents in both the Civil Revision Petition filed the said claim petition claiming for a sum of Rs.20,000/- as compensation for the injuries sustained by them in the accident that occurred on 07.02.2001. According to the first respondents in both the Civil Revision Petitions, they travelled in a Mahindra Van, bearing Reg. No. TN 29/T 0676, belonging to the third respondent, insured with the fourth respondent. The driver of the Maruti van belonging to the second respondent and insured with the petitioner drove the vehicle in a rash and negligent manner and dashed against the Mahindra van, due to which accident occurred and the claimants sustained injuries.

3. The petitioner filed counter affidavit in both the M.C.O.Ps and disputed that the first respondent did not sustain injuries in the accident and submitted that they obtained O.P.Sheet after 54 days of the accident and they have not established the injuries sustained by them in the accident that occurred on 07.02.2001. Therefore, they are not entitled to any compensation.

4. The Tribunal considering the pleadings oral and documentary evidence, held that driver of both the vehicles are responsible for the accident and that the petitioner and respondents 2 to 4 are liable to pay compensation.

5. Against the said order dated 21.10.2005 made in MCOP.Nos. 242 of 2004 & 17 of 2005, the present two Civil Revision Petitions are filed by the petitioner.

6. Heard the learned counsel appearing for the petitioner and perused the materials available on record. Though notice has been served on the respondents 2 to 4 and their names are printed in the cause list, there is no representation either in person or through counsel.

7. From the materials available on record, it is seen that these Civil Revision Petitions are filed in the year 2006 and both the Civil Revision Petitions

V.M.VELUMANI,J.

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were dismissed by this Court, against the first respondent on 23.03.2010. The learned counsel appearing for the petitioner submitted that he has filed petitions on 09.02.2011 to restore the Civil Revision Petitions which were dismissed against the first respondents. However, no orders have been passed in the said petitions. In view of such dismissal of Civil Revision Petitions against the first respondents and not restored till date without deciding on merits, these Civil Revision Petitions are dismissed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

18.09.2017

Index: Yes/No

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To

The Motor Accidents Claims Tribunal
(Additional District Judge/Fast Track Court),
Tirupattur.

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and C.M.P.Nos.5100 and 5101 of 2006