

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD) No.2409 of 2004

Executive Engineer (O & M)
Tamil Nadu Electricity Board,
Gudiyattam

.. Petitioner

Vs.

1. N.Sivaprakash
2. K.Subramaniam
3. Divisional Manager
New India Assurance Limited
Chennai 17.

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal order dated 16.10.2003 made in M.C.O.P.No.79 of 2001 on the file of the Subordinate Judge, Motor Vehicles Accident Claim Tribunal, Gudiyatham.

For Petitioner : No appearance

For R1 : Not ready in notice

For R2 & R3 : No appearance

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ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 16.10.2003 made in M.C.O.P.No.79 of 2001 on the file of the Subordinate Judge, Motor Vehicles Accident Claim Tribunal, Gudiyatham.

2. The petitioner is the petitioner and respondents are the respondents in M.C.O.P.No.79 of 2001 on the file of the Subordinate Judge, Motor Vehicles Accident Claim Tribunal, Gudiyatham. According to the petitioner, the 1st respondent drove the Ashok Leyland Tempo Van bearing Reg. No. KA 07 3156, belonging to the 2nd respondent and insured with the 3rd respondent and dashed against the electric pole and caused damage to the tune of Rs.8,000/-. To compensate the said amount, the petitioner filed M.C.O.No.79 of 2001.

3. The 3rd respondent filed counter affidavit and submitted that the accident did not take place due to the rash and negligent driving by the driver of the tempo van. A lorry bearing Registration No.RJ 02G 4933, coming in the opposite direction dashed against

the tempo van and due to that impact, the tempo van dashed against the electric pole. The first respondent is not responsible for the accident. The First Information Report was registered only against the lorry driver.

4. The petitioner could not prove their case that accident occurred due to rash and negligent driving by the first respondent. On the other hand, from the First Information Report marked as Ex.P1, the charge sheet and admission of the PW1 in cross examination, it is seen that no First Information Report is registered against the first respondent and he is not aware as to whether accident occurred due to rash and negligent driving by the driver of the tempo van or lorry. The Tribunal dismissed the claim petition.

5. Against the said order dated 16.10.2003 made in M.C.O.P.No.79 of 2001, the petitioner has come out with the present Civil Revision Petition.

6. When the matter was taken up on 18.09.2017, there was no representation for the petitioner. Today also, there is no

representation. Therefore, this order is passed on merits. Though notice was served on the respondents 2 and 3 and their names are printed in the cause list, there is no representation either in person or through counsel.

7. From the materials on record and the award of the Tribunal, it is seen that the Tribunal has come to a correct conclusion based on pleadings, oral and documentary evidence that first respondent is not responsible for the accident. There is no irregularity or illegality warranting interference with the order of the learned Trial Judge dated 16.10.2003.

8. In the result, this Civil Revision Petition is dismissed. No costs.

सत्यमेव जयते

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Index: Yes/No
gsa

To

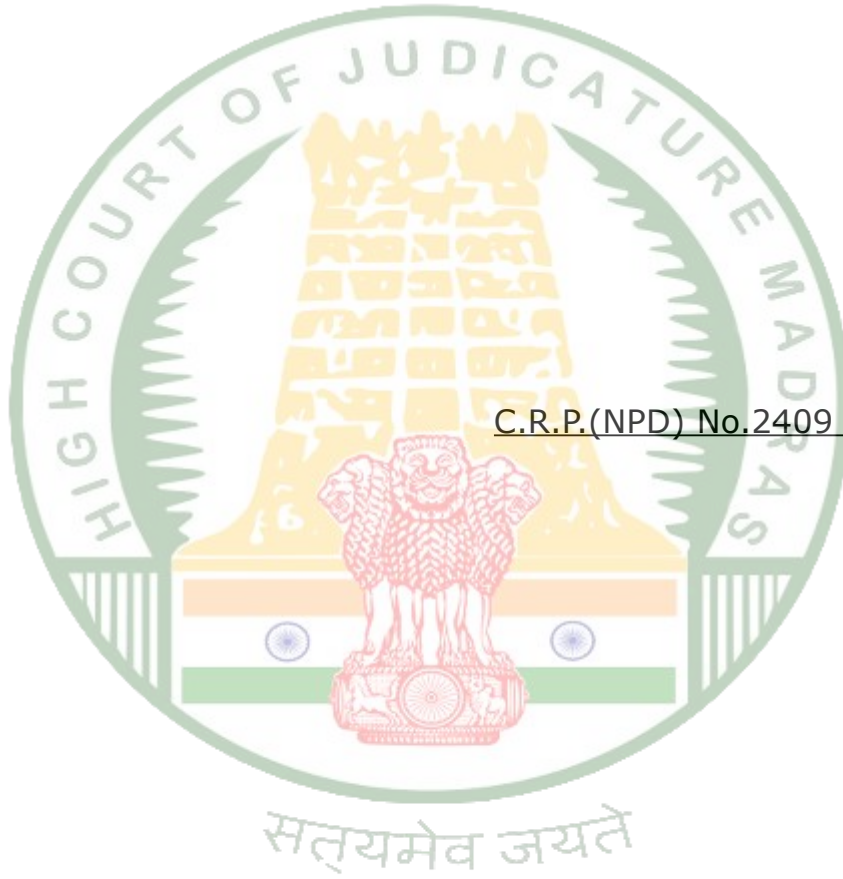
1. The Divisional Manager
New India Assurance Limited
Chennai 17.
2. The Subordinate Judge,
Motor Vehicles Accident Claim Tribunal,
Gudiyatham.



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V.M.VELUMANI,J.

gsa



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