

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(NPD)No.749 of 2004
C.M.P.No.6036 of 2004

The Oriental Insurance Co. Ltd.,
Pondicherry

.. Petitioner

Vs.

1. R.Naser Khan
2. Vanaja Devi

.. Respondents

PRAYER: Civil Revision Petition filed Under Section 115 of C.P.C, against the fair and decretal order dated 08.11.2002 made in O.P.No.918 of 2001 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Krishnagiri.

For Petitioner : Mr.S.Arun Kumar

For R1 & R2 : No appearance

ORDER

This Civil Revision Petition has been filed against the fair and decretal order dated 08.11.2002 made in O.P.No.918 of 2001 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Krishnagiri.

2. The petitioner is the second respondent, first respondent is the claimant and second respondent is the first respondent in M.C.O.P.No.918 of 2001 on the file of the Motor Accidents Claims Tribunal, Principal District Judge, Krishnagiri. The first respondent filed the said claim petition, claiming compensation of Rs.20,000/- for the injuries sustained by him in the accident that occurred on 18.05.2001 at about 1.30 a.m. According to the first respondent, on that day, while he was travelling in a bus belonging to the Transport Corporation, the driver of the lorry belonging to the second respondent, insured with the petitioner, came in the opposite direction, driven in a rash and negligent manner and dashed against the bus in which the first respondent was travelling and thereby caused accident. The driver of the lorry and two passengers in the bus died. The first respondent and others sustained injuries. The First Information Report was registered against the driver of the lorry and therefore claimed compensation against the petitioner and second respondent.

3. The petitioner filed counter affidavit and submitted that the driver of the lorry was not responsible for the accident. Only due to the rash and negligent driving by the driver of the bus, the said

accident occurred. Before the Tribunal, the first respondent examined himself as PW1 and deposed as that of the averments in the claim petition and he marked 3 documents as Exs.R1 to R3. No oral and documentary evidence was let in by the petitioner. The Tribunal, considering the pleadings, oral and documentary evidence, held that the accident occurred only due to the rash and negligent driving by the driver of the lorry and awarded a sum of Rs.4,000/- as compensation.

4. Against the said order dated 08.11.2002 made in O.P.No.918 of 2001, the present civil revision petition is filed by the petitioner.

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

6. From the materials available on record, it is seen that the petitioner contended that the driver of the bus only is responsible for the accident and not the driver of the lorry. Petitioner denied the driving licence of driver of lorry. To prove these contentions, the

petitioner has not let in any evidence. On the other hand, the first respondent has deposed as to how the accident occurred and has stated that the driver of the lorry only is responsible for the accident and First Information Report also was registered only against the driver of the lorry. In view of the above facts, there is no reason to interfere with the award of the Tribunal, dated 08.11.2002.

7. In the result, the civil revision petition is dismissed. No costs. Consequently, connected civil miscellaneous petition is closed.

30.08.2017

Index: Yes/No

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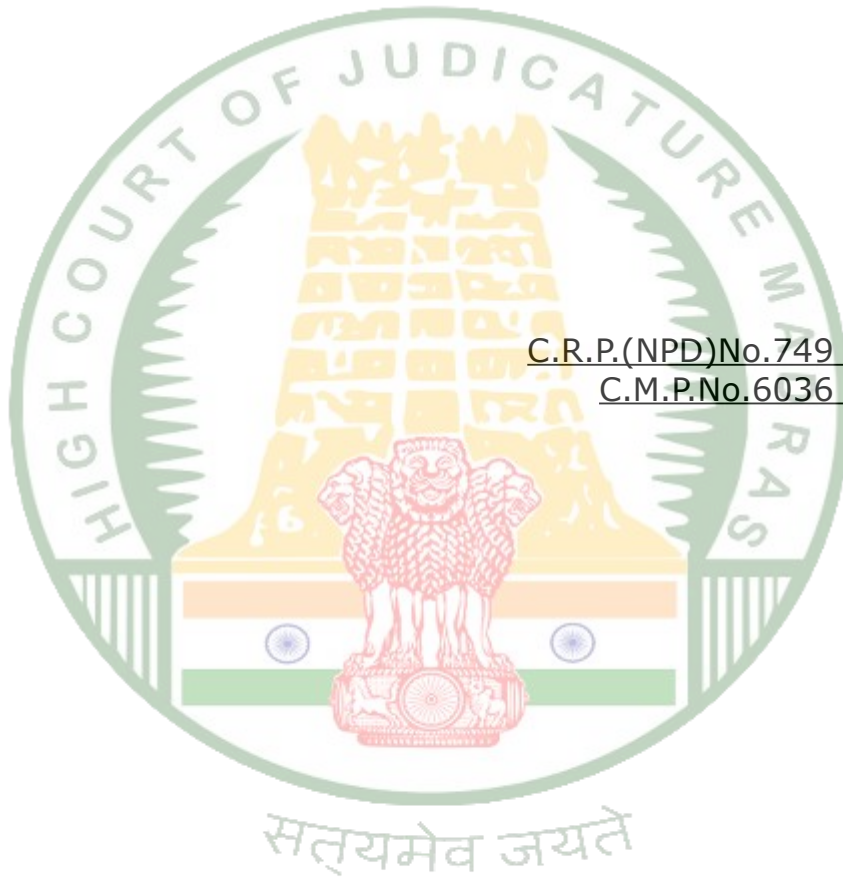
To

1. The Oriental Insurance Co. Ltd.,
Pondicherry
2. The Principal District Judge,
(Motor Accidents Claims Tribunal)
Krishnagiri.

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V.M.VELUMANI,J.

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