



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2017

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

C.M.A. (MD) No. 431 of 2015

Sasikumar

... Appellant/Claimant

Vs.

1.P.Thirunavukkarasu
2.The Regional Manager,
Reliance Insurance Company,
Sree Meenakshi Plaza, Ist Floor,
55, 80 Feet Road, Anna Nagar,
Madurai.
(R1 was set exparte before the
Tribunal,. Hence notice to R1 is
dispensed with)

... Respondents/Respondents

Prayer: Appeal filed under Section 173(1) of the Motor Vehicles Act, 1988, to set aside the judgment and decretal order passed by the Motor Accident Claims Tribunal/III Additional District and Sessions Judge, Thanjavur at Pattukkottai in M.C.O.P.No.4 of 2011 dated 23.02.2015.

For Appellant : Mr.S.Deenadhayalan

For Respondent : No appearance for R2
R1 exparte

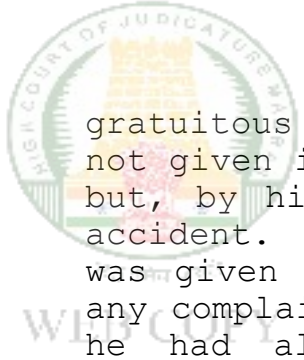
JUDGMENT

The claimant aggrieved by the dismissal of his claim petition has filed this appeal.

2.The case of the appellant is that on 28.07.2010, he engaged the goods vehicle belonging to the first respondent on hire to carry bricks. He was also travelling in the said vehicle. On account of the rash and negligent driving of the vehicle by the driver of the first respondent, the vehicle dashed against a tree. The appellant suffered grievous injuries. He suffered fracture. He therefore demanded a sum of Rs.10,00,000/- as compensation. The vehicle was insured with the second respondent. The Tribunal dismissed the claim petition by its award dated 23.02.2015. The same is under challenge in this appeal. The learned counsel for the appellant

<https://hccservices.mcaonline.in/hccservices>

3.The Tribunal noted that the appellant had travelled as a



gratuitous and unauthorised passenger in the goods vehicle. FIR was not given immediately. The complaint was given not by the claimant, but, by his brother Chandrasekar, who was not acquainted with the accident. But, on perusal of Ex.P1, it is seen that the complaint was given by one Sasikumar. The claimant did not personally give any complaint. It is further admitted by the claimant himself that he had already filed one O.P. through one Advocate by name Pushparaj, but, took back the same. It is not known as to what was the outcome of the said petition. The claimant was not forthcoming with those details. Taking into account the entire facts and circumstances, the Tribunal came to the finding that the injured travelled in the goods vehicle only as gratuitous passenger. Only for the sake of maintaining the claim petition, it has been falsely projected that he had gone to purchase bricks and that he was travelling along with the goods. The testimony of the claimant is full of inconsistencies. The Tribunal has given a finding that the claim suffered from suppression of material facts.

4.This Court is of the view that Tribunal was justified in dismissing the claim petition. There is no merit in this appeal. This appeal stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The III Additional District and Sessions Judge,
Motor Accident Claims Tribunal,
Thanjavur at Pattukkottai

COPY TO:

The Record Keeper, Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.S.DEENADHAYALAN Advocate in SR. No. 83267

ARUL

JS/GT/SAR.1/13.11.2017/2P-4C

C.M.A. (MD) No.431 of 2015

23.10.2017