



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

C.M.A. (MD) No.737 of 2015 and
CMP (MD) No.3216 of 2017

1. The District Adi Dravidar Welfare Officer,
Viruthunagar District,
Viruthunagar.

2. The District Collector,
Viruthunagar District,
Viruthunagar.

... Appellants/Respondents 1 & 2

Vs

1.Rajeswari

2.Minor.Vanmathi

... Respondents 1 & 2 / Petitioners

(Minor R-2 represented by her mother
and guardian 1st respondent)

3.Deenan

4.Rohini

... Respondents 3 & 4/Respondents 3 & 4

Prayer: Civil Miscellaneous Appeal is filed under section 173 of the Motor Vehicles Act 1988, to set aside the decree and judgment dated 17.06.2014 passed in M.C.O.P.No.63 of 2011, on the file of the Motor Accidents Claims Tribunal cum Additional District Judge, Virudhunagar.

For Appellants : Mr.D.Muruganantham

For R-1 and R-2 : Mr.Srinivasa Raghavan

For R3 and R4 : No Appearance

JUDGMENT

(Judgment of this court was made by K.KALYANASUNDARAM, J.)

<https://hcservices.ecourts.gov.in/hcservices/>
This appeal arises out of the award passed by the Motor Accident Claims Tribunal cum Additional District Judge, Virudhunagar, dated 17.06.2014 made in M.C.O.P.No.63 of 2011.



2. The Wife and minor daughter of the deceased Venkadesh filed the claim petition for awarding compensation of Rs.63,00,000/- on the ground that Venkadesh died due to the rash and negligent driving of the driver of the Jeep, belonging to the first appellant. Though the accident had taken place on 10.10.2006, the deceased died on 05.12.2009. The tribunal, on consideration of the oral and documentary evidence, awarded a compensation of Rs.55,88,853/- along with the rate of interest 7.5% per annum.

3. In the present appeal, it is contended by Mr.D.Muruganantham, learned Additional Government Pleader that the claimants have incurred total medical expenses of Rs.5,74,791/-, but, by producing false documents, the claimants got award of Rs.30,48,853/- from the tribunal towards medical expenses.

4. C.M.P.3216 of 2017 has been filed under Order 41 Rule 27 seeking permission to mark the letter issued by the Apollo Hospitals regarding bill payments of the deceased Venkadesh, as additional evidence to establish the case of the appellant.

5. Mr.Srinivasa Raghavan, learned counsel for the claimants contended that the medical bills Exs.P.6 to P.11 were marked, without any objection from the appellants and the additional evidence can be permitted to be marked only after providing opportunity to the claimants. Hence, he seeks remand of the case to the tribunal. The Additional Government Pleader has no objection to remand back the case to the tribunal for a fresh trial.

6. In the light of the above facts and the submissions of the counsels on either side, the award of the tribunal dated 17.06.2014 passed in M.C.O.P.No.63 of 2011 is set aside and the case is remanded back to the tribunal for fresh trial. The tribunal shall pass award in accordance with law after providing opportunity to the necessary parties and shall dispose of the case as expeditiously as possible preferably within a period of three months from the date of receipt of a copy of this order. If the claimants had already withdrawn any amount, the same shall be taken note of at the time of passing award.

7. Accordingly, this Civil Miscellaneous appeal is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



The Additional District Judge,
Motor Accidents Claims Tribunal
cum Additional District Court,
Virudhunagar.

Copy To:-

The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 Copies)

+ 1 CC TO Mr.S.SRINIVASA RAGHAVAN, ADVOCATE IN SR No. 87170
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 87492

SM

TE/SKN-RSK/SAR-4 : 03/05/2018 : 3P/6C

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14.11.2017