

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.07.2018

Coram

The Honourable Ms.Justice P.T.ASHA

C.R.P(NPD)Nos.199 to 203 of 2006

and

C.M.P.Nos.1573 to 1577 of 2006

M/s.United India Insurance Company Ltd.,
Kumaran Road, Tiruppur.

...Petitioner in all C.R.Ps

Versus

1.Balakrishnan

...1st respondent in C.R.P(NPD) No.199 of 2006
& sole respondent in C.R.P(NPD) Nos.200 & 202 of 2006

2.Minor Sajjan
rep.by Father/
Guardian Balakrishnan

...2nd respondent in C.R.P(NPD) No.199 of 2006
& sole respondent in C.R.P(NPD) No.203 of 2006

3.Minor Praneshika
rep.by Natural
Guardian & Father Balakrishnan

...3rd respondent in C.R.P(NPD) No.199 of 2006
& sole respondent in C.R.P(NPD) No.201 of 2006

Prayer in C.R.P(NPD)Nos.199 to 203 of 2006:

These Civil Revision Petitions are filed under Article 227 of the Constitution of India against the order made in I.A.Nos.934, 931, 933, 932 & 930 of 2004 against award passed in M.C.O.P.Nos.413, 412, 259, 258 & 236 of 1998 dated 21.09.2005 on the file of the Motor Accidents Claims Tribunal (Additional District Judge/Fast Track Court No.V) at Coimbatore at Tiruppur.

In C.R.P(NPD)Nos.199 to 203 of 2006:

For Petitioner : Mr.S.Arunkumar

For Respondent - 1 : Proof of Publication effected

COMMON ORDER

The above Civil Revision Petitions are filed challenging the order dated 21.09.2005 passed by the learned Additional District Judge, and Motor Accident Claims Tribunal, Fast Track Court - V, Coimbatore in I.A.Nos.934, 931, 933, 932 & 930 of 2004 in M.C.O.P.Nos.413, 412, 259, 258 & 236 of 1998. The said Applications are filed by the Insurance Company, the petitioner herein, for reviewing the award dated 09.09.2003.

2. The Review Petitions were filed on the ground that after the award and the investigation, they had come to know that the Car that was involved in the accident which gave rise to the Motor Accidents Claim, was a Premier Padmini Car and not the Maruthi Car and that the said Premier Padmini Car was insured with the New India Insurance Company. The Insurance Company would however submit that in the Accident Register and the statement given by the injured to the Police, the narration was that the accident has occurred on account of the Car dashing against the tree and there was no mention about the Lorry bearing Registration No.TN 28 C 5511. They would further contend that the insurer in the original petition, with a view to help the other petitioners, had shown his vehicle being involved in several accidents and in fact, in one such case in M.C.O.P.No.314 of 2001, this fact been pointed out. The petitioner therein had withdrawn the said M.C.O.P as not pressed.

3. The claimant had filed a counter statement, in which they contended that they had correctly given the number of the vehicle in the FIR and also laid a separate claim petition for the damage that had been caused to their car, for which an award has also been passed. The Insurance Company had cross examined them in great detail and they are unable to elucidate any adverse answer from them. The driver of the lorry had also pleaded guilty and paid the necessary fine. They would further contend that the accident had occurred way back in the year 1997 and the trial had been completed in the year 2003.

4. The Tribunal had dismissed the Review Petitions on the ground that the Insurance Company had not chosen to question the award passed till date and even the present Review Petition had been filed only after the Execution Petition has been filed. The Tribunal would also hold that the Insurance Company had failed to establish their allegation of fraud.

5. Heard Mr.S.Arunkumar, learned counsel appearing for the petitioner/Insurance Company. Though the learned counsel would submit that the FIR was filed as early as on 16.03.2005 regarding the involvement of the second respondent in several fraudulent claims, he is unable to get information about the

progress that has been shown on the basis of this complaint. The review petitions had been filed only on the ground that fraud has been played and the claim is a bogus one. Since the Insurance Company is unable to substantiate this contention even today, I do not find any reason to interfere with the impugned orders passed by the Tribunal.

6. In the result, these Civil Revision Petitions are dismissed. However, considering the nature of the complaint that has been lodged, in the event of the Insurance Company being able to establish the complexity of the second respondent in this fraud, liberty is given to the Insurance Company to move against the second respondent. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The Additional District Judge/Fast Track Court No.V,
Motor Accidents Claims Tribunal
Coimbatore,
Tiruppur.

2.The Section Officer,
VR Section,
High Court, Madras.

+1cc to Mr.S.Arunkumar, Advocate sr.no.50260

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