



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2018

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.M.A(MD).Nos.261 and 262 of 2018

M.Muthu Saravanan @ Saravanan ... Appellant in
C.M.A.(MD).No.261 of 2018/ Claimant

S.Balu ... Appellant in
C.M.A.(MD).No.262 of 2018/ Claimant

Vs.

1.M.Manimegalai

2.The Branch Manager,
National Insurance Company Ltd.,
Bodinayakanur,
Theni District. ... Respondents in
both the appeal/Respondents

PRAYER:- Appeals filed under Section 173 of the Motor Vehicles Act, against the award dated 17.11.2017 made in M.A.C.T.O.P.Nos.4 & 8 of 2016 on the file of Motor Accident Claims Tribunal / Additional District and Sessions Judge, Theni at Periyakulam.

For appellant in
both the appeal : Mr.P.Muthuvijayapandian

JUDGMENT

When the matter came up for hearing today, this Court has expressed its opinion that the Tribunal has rejected the claim of the appellants based on the closure report of the FIR on the ground that no accident had not taken place as stated by the appellants and that without challenging the said closure report and getting favourable order, the claim of the appellants cannot be considered. The learned counsel appearing for the appellants fairly accepted the same and submitted that the appellants have taken steps to challenge the said report and requested to dismiss both the appeals with liberty to file fresh appeals, if they succeed in the said challenge.



2. In view of the above, both the Civil Miscellaneous Appeals are dismissed. If the appellants succeed in the challenge made to the closure report, it is open to them to file appropriate application before the appropriate forum. No costs.

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/True Copy/

Sd/-

Assistant Registrar (CS-I)

Sub Assistant Registrar (CS-I)

To

The Additional District and Sessions Judge,
The Motor Accident Claims Tribunal /
Additional District and Sessions Court,
Theni at Periyakulam.

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