

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 22.02.2019

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.M.A. No.1599 of 2005

K.Rajagopal

... Appellant/ Petitioner

Versus

1. Revathi Rajagopal

2. The Oriental Insurance Co. Ltd

Salem Divisional Office,

16, Cherry Road, Salem-1.

... Respondents/ Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, against the Judgment and Decree made in M.C.O.P.No.2215 of 1995 dated 13.08.2004, on the file of the Motor Accidents Claims Tribunal / learned Chief Judicial Magistrate, Salem.

For Appellant : Mr.S.K.Nachimuthu

For Respondents: Mr.S.Arunkumar (for R2)

J U D G M E N T

Challenging the order of dismissal passed by Motor Accidents Claims Tribunal / learned Chief Judicial Magistrate, Salem in MCOP No.2215 of 1995 dated 13.08.2004, the appellant preferred this Civil Miscellaneous Appeal.

2. It is the case of the appellant that on 02.03.1995 at about 1.45 a.m appellant drove the Maruthi car belongs to the first respondent/wife of the appellant bearing Registration No. TN 22 Z 0313 in Kallakurichi to Attur main road by keeping left side of the road near Amman Sago Factory towards Salem, at that time a Tata lorry came with high speed on opposite direction and dashed against the right side of the Maruthi Car and pushed back the same by about 10 feet. Out of the said accident, the appellant sustained grievous injuries all over the body. Therefore, the appellant/injured filed a petition in M.C.O.P.No.2215 of 1995 before the Motor Accidents Claims

Tribunal / learned Chief Judicial Magistrate, Salem, claiming a sum of Rs.4,00,000/- towards compensation.

3. After contest, since there is no documentary evidence produced in respect of the accident took place on 02.03.1995, the Claims Tribunal, dismissed the petition on 13.08.2004.

4. Challenging the same, the appellant is before this Court by way of filing this Civil Miscellaneous Appeal.

5. Heard the learned counsel for both sides and perused the materials available on record.

6. On a fair reading of the Judgment, it is seen that the Register number of the lorry which caused accident, has not been given by the appellant. Since, there is no proper evidence adduced by the appellant to show that the accident took place on 02.03.1995, this Court is not inclined to interfere with the order passed by the Tribunal.

7. In the result, this Civil Miscellaneous Appeal is dismissed by confirming the dismissal order of the Tribunal in M.C.O.P.No.2215 of 1995 dated 13.08.2004, on the file of the Motor Accidents Claims Tribunal / learned Chief Judicial Magistrate, Salem. No costs.
vum

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To
The Chief Judicial Magistrate/
Motor Accidents Claims Tribunal,
Salem.

Copy to:-

The Section Officer,
V.R. Section,
High Court, Madras - 104.

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Kak (18/06/2019)