

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.1637 of 2005

State Express Transport Corporation (Tamil Nadu - Dn.I) Ltd.,
(Formerly Thiruvalluvar Transport Corporation Ltd.)
Chennai, rep.by Managing Director.
(Cause Title accepted vide order dated
04.09.2003 made in C.M.P.No.13006
of 2003). ... Appellant/Petitioner

Vs

1.Murugan
(R-1 - Driver - given up in the appeal).

2.V.Vaidiyanathan

3.New India Assurance Co.Ltd.,
73 A, Mission Street,
Pondicherry-605 001. Respondents/Respondents

Appeal under Section 173 of the Motor Vehicles Act against
the judgment and decree dated 31.07.2001 made in MACTOP No.230
of 2000 on the file of the Motor Accidents Claims Tribunal
(Subordinate Judge) at Maduranthagam.

For Appellant : Mr.S.V.Vasanthakumar

For Respondents : Ms.R.Sreevidhya for R3

JUDGMENT

This appeal is preferred by the appellant Transport Corporation against the dismissal of the claim petition by the Tribunal on the ground that already a claim petition relating to the same accident has been filed before the Subordinate Court, Chengalpattu in MCOP No.405 of 1995.

2.The learned counsel for the appellant has submitted that the Tribunal has erred in dismissing the claim of the appellant by erroneously holding that the appellant had filed another claim in respect of the same accident claiming compensation for the same vehicle which had been completely damaged in the

accident. It is his further submission that originally MCOP No.406 of 1995 had been filed before the Sub Court, Chengalpattu and the same was transferred to the Motor Accidents Claims Tribunal at Maduranthagam after its formation and hence it is incorrect to state that two claims have been made at two different Courts seeking the same relief.

3.Heard the learned counsel for the appellant and the learned counsel for the third respondent Insurance Company and perused the materials available on record carefully and meticulously.

4.The learned counsel for the appellant has produced a copy of the relevant page of the Register of Motor Accidents Claim Petitions, with regard to transfer of Claim Petitions from District Court, Chengalpattu to Principal Subordinate Judge, Chengalpattu, relating to Claim Petition No.405 of 1995. The present case, ie., MCOP No.230 of 2000, has been filed by the Transport Corporation for grant of compensation for the damages caused to their bus bearing Reg.No.TN-01-N-0419. But the vehicle involved in MCOP No.405 of 1995 as seen from the copy of the relevant page of the Register, is the Ambassador Car bearing Reg. No.TMH-1433 and the name of the claimant is one V.Boopalan who filed the petition for compensation for the injuries he sustained in the accident. Thus, it is very much clear that both the claims are different.

5.It is also the submission of the learned counsel for the appellant that originally they filed MCOP before the Motor Accidents Claims Tribunal, Chengalpattu numbered as 406 of 1995 and the same has been transferred to the Motor Accidents Claims Tribunal (Subordinate Judge) at Maduranthagam and re-numbered as 230 of 2000.

6.In view of the above, the impugned judgment and decree passed by the Tribunal are set aside and the matter is remitted back to the Tribunal for passing fresh orders on merits and in accordance with law, upon considering all the materials and evidence adduced on record.

7.The Civil Miscellaneous Appeal is disposed of accordingly.
No costs.

Sd/-
Assistant Registrar(Ad-I)

//True Copy//

Sub Assistant Registrar

KM

To

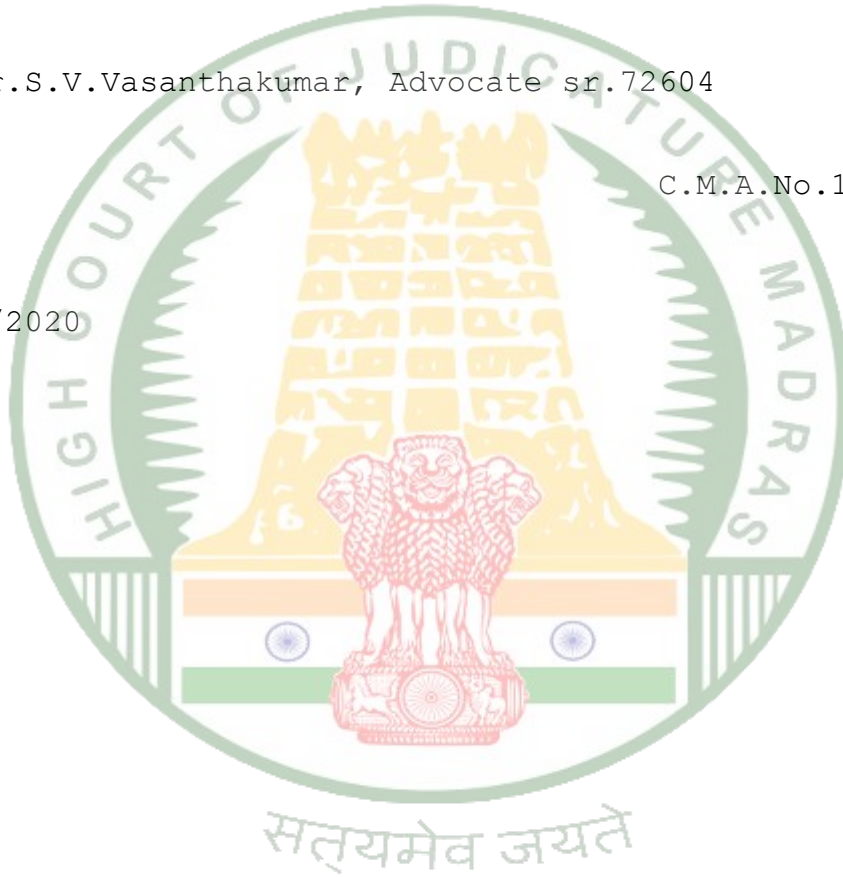
1.The Subordinate Judge,
Motor Accidents Claims Tribunal
(at Maduranthagam.

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

+1cc to Mr.S.V.Vasanthakumar, Advocate sr.72604

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