

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM:

THE HON'BLE MR.JUSTICE R.MAHADEVAN

CIVIL MISCELLANEOUS APPEAL NO.1815 OF 2005

P.Mani

... Appellant/Claimant

...vs...

1. T.Duraisamy

2. Tamil Nadu State Transport Corporation Limited
(Coimbatore Division - I), No.37,
Mettupalayam Road, Coimbatore 641 043
Rep. by its Managing Director

... Respondents/Respondents

Appeal filed under Section 173 of Motor Vehicles Act 1988,
against the Judgment and Decree, dated 10.10.2002 made in
M.C.O.P.No.54 of 1995 on the file of the Motor Accident Claims
Tribunal, Additional District Judge / Fast Track Court No.I,
Coimbatore.

For Appellant : Mr.A.Bobbilie

For Respondents : Mr.N.Anand, for R-2.

J U D G M E N T

In respect of the damages to the Car caused on account of
the accident that took place on 28.06.1994, a claim petition has
been filed in M.C.O.P.No.54 of 1995 before the Motor Accident
Claims Tribunal, Additional District Judge / Fast Track Court
No.I, Coimbatore, by one Mani, who is stated to be the owner of
the Car, claiming a sum of Rs.1,25,000/-.

2. The Tribunal, on a consideration of the materials and
evidences placed before it, has dismissed the Claim Petition.
As against the dismissal, the claimant, as appellant herein, has
preferred this Appeal.

3. The entire claim of compensation by the appellant herein
is based upon the fact that the appellant herein is the owner of

the Car which involved in the accident with the Transport Corporation.

4. It is not in dispute that there was an accident and that in the accident, the car was damaged. Even though the claimant has claimed a sum of Rs.1,25,000/-, as compensation, the Tribunal, by giving a finding that no document has been filed to prove the ownership of the Car in question, has ultimately dismissed the claim petition.

5. A perusal of the award passed by the Claims Tribunal would go to show that the Tribunal has considered the Receipts pertaining to the repairs done to the car in question, i.e., Exs.P-2 to P-9, as well as the photographs, Exs.P-10 and P-11 and ultimately has given a finding that there is no iota of evidence produced by the claimant (appellant herein) to show that the claimant is the owner of the vehicle. The Tribunal has further observed that the report of the Motor Vehicle's Inspector or Surveyor was not produced by the Claimant to show the extent of damage caused to the car.

6. The above said reasonings of the Tribunal are borne out from the materials and evidences available on record, which cannot be brushed aside by this Court easily. Further, when no piece of evidence has been filed with regard to the ownership of the car in question, awarding of compensation amount cannot be considered. Had there been a document to prove the ownership of the car, it would have been helpful for this Court to arrive at a just compensation or to find out the justifiability of the award.

7. In the result, affirming the judgment and decree of the Tribunal, this Civil Miscellaneous Appeal stands dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srk

To

1. Motor Accident Claims Tribunal,
Additional District Judge/
Fast Track Court No.I,
Coimbatore.

Copy To

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

C.M.A.No.1815 of 2005

BR (CO)
CS/05/06/2020



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