



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

C.M.A.No.2836 of 2006

Mani

...Appellant/Petitioner

Vs

1.Pirthose

2.The Divisional Manager,
National Insurance Co.Ltd.,
Vellore.

... Respondents

Appeal under Section 173 of the Motor Vehicles Act against the judgment and decree dated 03.01.2006 made in MACTOP No.519 of 2002 on the file of the Motor Vehicle Accidents Claims Tribunal, Tiruvannamalai.

For Appellant : Mr.R.Thirugnanam

For Respondents: No appearance for R1

Mr.D.Bhaskaran for R2

JUDGMENT

The appellant herein filed a claim petition before the Tribunal, claiming a sum of Rs.1,50,000/- as compensation, stating that on 07.09.2001, at about 05.30 p.m., while he was unloading the iron shutter in an iron shop situated opposite to the Veterinary Hospital, Samuthiram Colony, Tiruvannamalai Town, he was dashed by the auto-rickshaw bearing Reg.No.TSI-7241, belonging to the first respondent, and due to the same, he sustained grievous injuries. The said claim petition has been rejected by the Tribunal. Hence this Civil Miscellaneous Appeal.

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



3. Considering the materials and evidence available on record, the Tribunal noted certain discrepancies as to the reference "Fall of Shutter" in the shutter shop. It was also found that there was a delay of two months in registering the case. Entries in the Wound Certificate was also found doubtful. Further, there is no evidence to hold that the vehicle was subjected to inspection by the Motor Vehicle Inspector. The appellant has not taken any steps to prove that the vehicle in question was subjected to inspection. It was also seen that no action has been taken against the driver of the vehicle, by filing a complaint. In view of these discrepancies, the Tribunal held that the appellant has miserably failed to prove that the sustained injuries as alleged in the petition, have been caused due to the accident.

4. In view of these discrepancies, the Tribunal held that the respondents are not liable to pay any compensation to the appellant. The Tribunal has analysed the materials and evidence in a proper manner and arrived at the conclusion that the respondents are not liable to pay any compensation to the appellant. This Court is not inclined to interfere with the said factual finding rendered by the Tribunal.

5. In view of the above stated circumstances, the Civil Miscellaneous Appeal stands dismissed. No costs.

s/d-
Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

KM

To

1. The Motor Accidents Claims Tribunal
Tiruvannamalai.

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

+1 CC to Mr. D. Bhaskaran, Advocate sr 57958

+1 CC to Mr. R. Thirugnanam, Advocate sr 57832.

C.M.A.No.2836 of 2006

LN (CO)
SP (15/11/2019)