

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

CMA.No.885 of 2010

M.Latheef

.. Appellant/Petitioner

vs.

1.Thiru V.Haridass

2.The Divisional Manager,
United India Insurance Co. Ltd.,
No.73, M.T.H.Road,
Ambattur,
Chennai - 53.

..Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 06.01.2010 passed in MCOP.No.756 of 2009 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tiruvallur.

For Appellant : Mr.D.Anandan

For Respondents : No appearance

J U D G M E N T

The appellant is the claimant in MCOP.No.756 of 2009 on the file of the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Tiruvallur. He filed the claim petition under Section 163 A and 140/142 of the Motor Vehicles Act, and Rule 3 of MACT Rules seeking compensation of Rs.15,000/- for the damages caused to his motorcycle due to the accident that on 11.06.2007.

2. The case of the claimant is that, he is the owner of the TVS XL bearing Registration No. TN 20 AC 7140. One Raffi who his friend, took his motorcycle, met with an accident and died on spot, as of a lorry bearing Registration No.KA 05 C 2039, belonging to the first respondent and insured with the second respondent, United India Insurance Company Limited, hit the motorcycle.

3. According to the claimant, they had to incur an expenditure of Rs.14,693/- for repairing his motorcycle and therefore the owner of the lorry as well as his insurer should compensate him.

4. The first respondent, owner of the lorry remained absent before the Tribunal and therefore, he was set ex-parte. The second respondent, United India Insurance Company Limited contested the claim petition. The learned Chief Judicial Magistrate, Thiruvallur after analysing the evidence on record, dismissed the claim petition mainly on the ground that the appellant did not adduce any evidence to show that he had actually incurred a sum of Rs.15,000/- towards repairing charges. Aggrieved over the orders passed by the Tribunal, the claimant has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5. The claimant, in order to substantiate that he incurred an expenditure of Rs.15,000/- for repairing his vehicle examined himself as PW1 and filed an estimate (Ex.P4). He did not produce the bills and therefore, the Tribunal rightly dismissed the petition filed by him.

6. No appearance on behalf of the respondents.

7. The observations of the learned Chief Judicial Magistrate, Thiruvallur are perfectly in order and therefore, I do not see any reason to interfere with the findings recorded by the Tribunal.

8. In the result, the Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mtl

To

The Chief Judicial Magistrate,
The Motor Accidents Claims Tribunal,
Thiruvallur.

Copy To

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

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SSD (CO)

GN (16/03/2020)

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