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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.M.A.No.1545 of 2015

and

M.P.No.1 of 2015

M/s. National Insurance Co. Ltd.,
T.P. Cell,
No.751, Anna Salai,
Chennai - 600 002.

... Appellant/2nd Respondent

Vs.

1.Devaki

...1st Respondent/Petitioner

2.A.Ravi

...2nd Respondents/1st Respondent

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, against the Judgment and Decree dated 25.09.2014 made in M.C.O.P.No.4653 of 2013 on the file of the Motor Accident Claims Tribunal, Small Causes Court - IV, Chennai.

For Appellant : Mr.J.Chandran

For R1 : Mrs.A.Subadra
for Mr.V.Velu

J U D G M E N T

This Civil Miscellaneous Appeal has been filed against award dated 25.09.2014 made in M.C.O.P.No.4653 of 2013 on the file of the Motor Accident Claims Tribunal, Small Causes Court - IV, Chennai.

2.The appellant is the second respondent in M.C.O.P.No.4653 of 2013 on the file of the Motor Accident Claims Tribunal, Small Causes Court - IV, Chennai. The first respondent filed the above said claim petition, claiming a sum of Rs.10,00,000/- as compensation for the injuries sustained by him in the accident that took place on 15.04.2013. The Tribunal considering the pleadings, oral and documentary evidence, held that the accident occurred due to the rash and negligent riding by the rider of



the motorcycle belonging to the second respondent and directed the appellant-Insurance Company, being the insurer of the vehicle to pay a sum of Rs.5,29,400/- as compensation to the first respondent/claimant. Against the said award dated 25.09.2014 made in M.C.O.P.No.4653 of 2013, the appellant has come out with the present appeal.

3.The learned counsel appearing for the appellant-Insurance Company raised various grounds challenging the award on merits, in addition to the grounds raised on merits. The learned counsel appearing for the appellant contended that in the application filed on 18.09.2014 by the appellant for reopening and issue of subpoena to Inspector of Police, notice was ordered returnable by 24.09.2014. The Presiding Officer and staff of the Court manipulated the entries in A-diary and the Presiding Officer passed an award on 25.09.2014. The procedure adopted by the Presiding Officer is unethical and made serious allegations against the Presiding Officers. In view of serious allegations made against the Presiding Officer, this Court called for the records. On verification of the records, it is seen that the entires in A-diary are struck off with regard to issue of summons to Investigating Officer. There is nothing on record to show that the application filed by the appellant for reopening and issue of summons was disposed of by the Presiding Officer. In view of such irregularities, the award of the Tribunal is set aside and M.C.O.P.4653 of 2013 is remanded back to the Trial Court for fresh hearing, after hearing and passing of orders in the application filed by the appellant to reopen and issue summons. The Chief Judge, Court of Small Causes, Chennai is directed to conduct an enquiry to find out who is responsible for striking off entires in "A-diary" and initiate appropriate proceedings against the person responsible for such irregularities and to file report before this court within three months from the date of receipt of copy of this orders.

4.With the above observations, this Civil Miscellaneous Appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



To

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- 1.The Small Causes Court - IV,
Motor Accident Claims Tribunal,
Chennai.
- 2.The Registrar Judicial,
Madras High Court (for Report)
- 3.The Section Officer,
VR Section,
High Court,
Madras.
- 4.The Section Officer,
Judicial Section,
Madras High Court.

+1cc to M/s.J.Chandran, Advocate Sr.22756
+1cc to M/s.V.Velu, Advocate Sr.22805

C.M.A.No.1545 of 2015
and
M.P.No.1 of 2015

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srg 29/11/2019