



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2471 of 2008

and

M.P.No.1 of 2008

(Through Video Conferencing)

Suresh

... Appellant / Claimant

Vs.

1.A.Mohammed Arifa

2.The National Insurance Co. Ltd.,

Jerome Building, Fort Station Road,

Tiruchirapalli - 600 001.

... Respondents / Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 to set aside the Judgment and Decree dated 19.03.2008 made in M.C.O.P.No.40 of 2006, on the file of the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Perambalur.

For Appellant : Ms.C.Sangamithirai

For Respondents

For R1 : Not ready

For R2 : Mr.D.Baskaran

JUDGMENT

The claimant is the appellant in this appeal. The present appeal has been filed to set aside Judgment and Decree dated 19.03.2008 passed by the Motor Accidents Claims Tribunal, Chief Judicial Magistrate, Perambalur in M.C.O.P.No.40 of 2006.

2. By the impugned Judgment and Decree, the Tribunal disallowed the claim petition filed by the appellant, on the ground that the documents marked by the appellant indicates that the offending vehicle involved in the accident was registered as TN-45-B-5811 whereas the insured vehicle was registered as TN-46-B-5811.

3. The appellant submits that the mistake in the FIR was carried in other documents. The appellant has now produced Form A.I.R, which is given by the Motor Inspector as per which the



9. Under these circumstances, the impugned Judgment and Decree is set aside and the case is remitted back to the Tribunal, to consider the case afresh in the light of the above document. The appellant is directed to mark the aforesaid document before the Tribunal. The respondents are at liberty to challenge the genuineness or otherwise the relevancy of the above document.

10. The 2nd respondent/Insurance Company is also entitled to raise all defences that are available in law and in the remand proceedings. The Tribunal shall endeavour to decide the issue within a period of nine months from the date of receipt of a copy of this order.

11. This Civil Miscellaneous Appeal stands disposed of by way of remand. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

arb

To:

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

C.M.A.No.2471 of 2008
and
M.P.No.1 of 2008

CP(CO)
SB(12/08/2021)