



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2020

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

C.M.A.No.2234 of 2011

and

M.P.No.1 of 2014

(Through Video Conferencing)

Kumar,
S/o.Subramani

... Appellant/Petitioner

Vs.

1.A.M.Ponnuranga Mudaliar,
S/o.Mudalanda Mudaliar

2.United India Insurance Company Ltd.,
Divisional Office,
Vellore-Katpadi Road,
T.K.M. Complex,
Vellore.

... Respondents/Respondents

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act, 1988 against the Order and Decreetal order in M.C.O.P.No.485 of 2000, dated 29.01.2004, on the file of the Motor Accidents Claims Tribunal, Sub Court, Gudiyatham.

For Appellant : Mr.T.Dhanyakumar
For R2 : Mr.S.Arunkumar
R1-Died

JUDGMENT

Since the dispute can be resolved without going in to details based on the submissions of the learned counsel for the appellant and this appeal is taken up for final disposal.

2. Heard the learned counsel for the appellant and the second respondent.

3. The claimant is the appellant in this appeal and is aggrieved by the impugned order rejecting the claim petition filed by the appellant/claimant on the ground that he was involved in smuggling of sandal woods and therefore he was not



entitled to compensation under the provisions of Motor Vehicles Act, 1988.

4. In this appeal, the appellant/claimant had filed C.M.P.No.15042 of 2019 to permit him to file a/ to receive the certified copy of the order passed by the Judicial Magistrate No.IV, Tirupattur in C.C.No.84 of 2002 wherein, a criminal case filed against the appellant/claimant was dismissed and the appellant was acquitted.

5. Considering the same, I am inclined to remit the case back to the Tribunal to pass fresh orders after considering the same on merits. Since the claim petition filed pertains to the year 2000, the Tribunal is requested to pass appropriate orders in accordance with law preferably within a period of 12 months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(I)

//True Copy//

Sub Assistant Registrar

arb

Notes:-In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

The Motor Accidents Claims Tribunal,
Subordinate Court, Gudiyatham.

+1cc to Mr.T.Dhanya Kumar, Advocate, S.R.No.36390
+1cc to Mr.S.Arunkumar, Advocate, S.R.No.36292

C.M.A.No.2234 of 2011
and
M.P.No.1 of 2014

MP(CO)
CB(16/08/2021)