

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2159 of 2012

Jayalakshmi

... Appellant/Petitioner

...Vs...

1.S.P.Kuppusamy

2.The Branch Manager

United India Insurance Co. Ltd.,

Perambalur.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeals filed under Section 173 of the Motor Vehicles Act, 1988, as against the decree and judgment dated 20.04.2009 made in MCOP No.392 of 2007 on the file of the Motor Accidents Claims Tribunal (Principal District Judge), Perambalur.

For Appellant : Mr.M.Sivakumar

For V.Anand

For Respondents : Mr.D.Bhaskaran for R2

R1 : Exparte

JUDGMENT

(This Appeal has been taken up for hearing through Video Conferencing)

This appeal has been filed by the claimant aggrieved by the judgment and decree dated 20.04.2009 passed by the Motor Accident Claims Tribunal/ Principal District Judge, Perambalur, in M.C.O.P No.392 of 2007 whereby the claim filed by the Appellant seeking compensation against the respondents was dismissed.

2. It is the case of the Appellant/claimant that she sustained injuries on 24.05.2007 as a result of an accident caused by a vehicle owned by the first respondent and insured with the second respondent.

3. Before the Tribunal, the Appellant/claimant has filed two documents which were marked as Ex.P1 and Ex.P2 and one witness was examined, namely the Appellant/claimant herself as PW1. On the side of the respondents, neither any document was filed nor any witness examined before the Tribunal.

4. It has been the consistent stand of the second respondent Insurance Company as seen from the counter statement filed by them before the Tribunal that the vehicle bearing Registration No.TN 28 D 7486 insured with them was not involved in the accident on 24.05.2007 as alleged by the Appellant/claimant. The accident register (Ex.P2) which has been filed by the Appellant/claimant reveals that the vehicle bearing Registration No. TN 28 D 7486 was not involved in the accident on 24.05.2007 as alleged by the Appellant/claimant. As seen from the accident register (Ex.P2) which is dated 24.04.2007, the accident is said to have taken place on 24.04.2007. But in the claim petition, the Appellant/claimant has pleaded that the accident happened only on 24.05.2007 which contradicts the accident register Exhibit P2. No eye witness to the accident has also been examined by the Appellant/claimant before the Tribunal in order to substantiate her claim that the accident took place on 24.05.2007. The Tribunal has rightly taken note all these facts and based on the materials and evidence available on record, had rightly dismissed the claim as the accident was unbelievable. This Court does not find any infirmity in the impugned judgment and decree. Accordingly, there is no merit in this Appeal.

Conclusion:

5. In the result, this appeal is dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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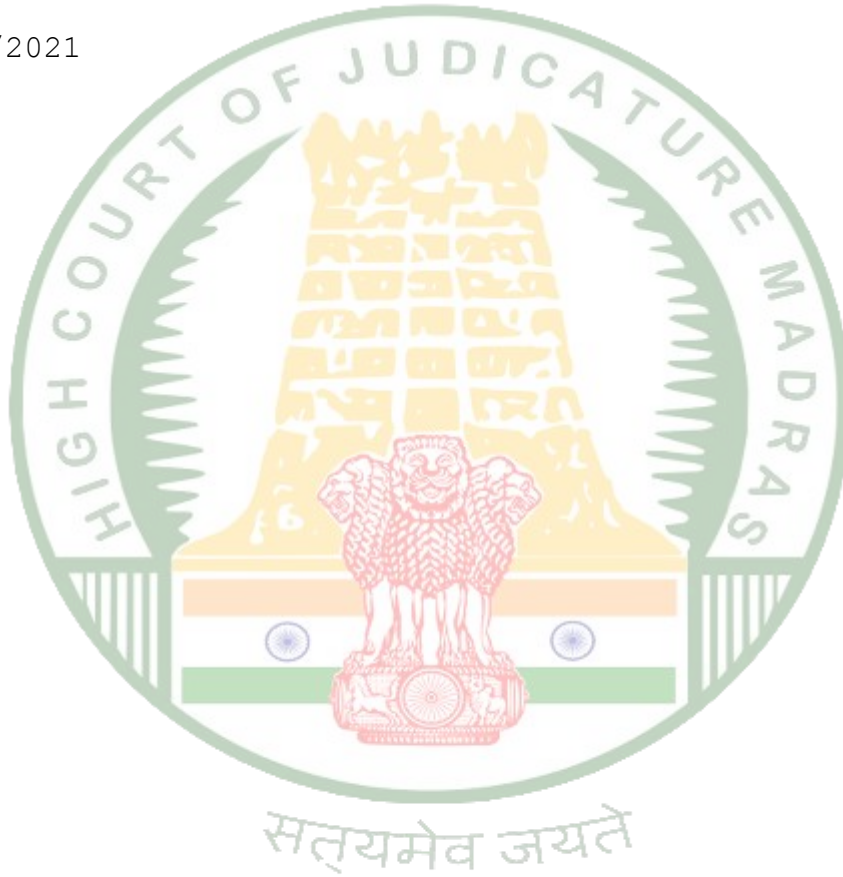
1.The Principal District Judge,
Motor Accident Claims Tribunal,
Perambalur.

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

+1cc to Mr.V.Anand, Advocate Sr.27687

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