



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.1257 of 2010

Indhumathi

... Appellant/Claimant

-vs-

1.M.S.Ayisha

2.The Divisional Manager

New India Assurance Company Ltd.,

Thanjavur

...Respondents/Respondents

(R1 - *Ex Parte*. Hence, dispensed with)

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree, dated 29.12.2006 in M.C.O.P.No.775 of 2000, on the file of the Motor Accident Claims Tribunal (2nd Additional Subordinate Judge / Additional In-charge), Madurai.

For Appellant : Mr.T.Selvakumaran

For Respondents : R1 - Dispensed with

(Vide E.B.)

Mr.J.S.Murali for R2

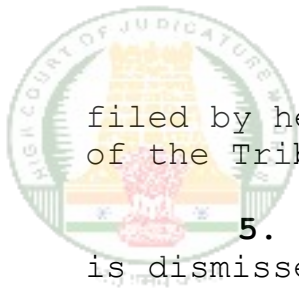
J U D G M E N T

This civil miscellaneous appeal is preferred by the claimant against the dismissal of her claim petition in M.C.O.P.No.775 of 2000, by the Motor Accident Claims Tribunal / II Additional Sub Court, Madurai, vide Award dated 29.12.2006.

2. Heard Mr.T.Selvakumaran, learned counsel appearing for the appellant and Mr.J.S.Murali, learned counsel appearing for the second respondent and perused the materials available on record.

3. This is a case of injury. According to the claimant, on 15.03.1989, while she was standing in front of UCO Bank, a Bus bearing registration No.TDO 1440, owned by the second respondent - Transport Corporation, came in a rash and negligent manner and dashed against her.

4. It is seen that a case was registered against the driver of the Bus in Crime No.205 of 1989 by Melur Police and after investigation, they filed a final report as mistake of fact. But, the claim petition was filed only on 17.11.1999, after a lapse of ten years from the date of accident. Since the claimant failed to prove that she sustained injuries in the accident occurred on 15.03.1989 and the involvement of the Bus bearing registration No.TDO 1440, the Tribunal has rightly dismissed the claim petition



filed by her. I find no valid ground to interfere with the findings of the Tribunal.

5. Accordingly, the civil miscellaneous appeals fails and it is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

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

krk

To:

- 1.The II Additional Sub Judge,
Motor Accident Claims Tribunal,
Madurai.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.J.S.MURALI, Advocate (SR-3245[F] dated 04/02/2021)

+1 CC to M/s.T.SELVA KUMARAN, Advocate (SR-3382[F] dated 04/02/2021)

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SVN(CO)
KB(04.03.2021) 2P 6C