



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.04.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A(MD)No.1316 of 2011

Shanmugasundaram

.. Appellant

vs.

1.P.Murugesan

2.Bajaj Alliance General Insurance Co., Ltd.,
through its Divisional Manager,
Aparna Tyers Near,
Porkudam Apartments opposite,
S.N.Colony,
Bye pass Road,
Madurai.

...Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act 1988 to set aside the order passed in MCOP No.27 of 2008 on the file of the Motor Accident Claims Tribunal (Fast Track Court), Additional District Judge, Periyakulam, dated 29.09.2010.

For Appellant : Mr.K.Suresh Kumar
For Respondents : Mr.S.Srinivasa Raghavan (for R2)
R-1 Dismissed.

J U D G M E N T

Heard Mr.K.Sureshkumar, learned counsel for the appellant and Mr.S.Srinivasa Raghavan, learned counsel for the second respondent Insurance Company.

2.The present appeal has been filed by the claimant aggrieved over the rejection of his claim petition by the Motor Accident Claims Tribunal (Fast Track Court), Additional District Judge, Periyakulam, vide order dated 29.09.2010.

3.This is case of injury. The claimant is said to have sustained injury on 25.01.2008 when he was riding his bicycle near V.V.G.Store, Theni, after hitting a motorcycle bearing registration No.TN-60-X-8061. He sought compensation of Rs.1,50,000/- contending that the accident occurred due to the negligence of the driver of the two wheeler.

4.The second respondent opposed the claim petition in the



counter stating that the said vehicle was not involved in the accident and it is a false claim.

5.The Tribunal taking note of the fact that the claimant himself has stated before the Doctor at Ka.Vilakku Government Hospital that he was hit by a vehicle bearing registration No.TN-59-NL-9700, but subsequently, after lapse of 5 hours, the vehicle number TN-60-X-8061 was altered and implicated in this case. The Tribunal have found that the vehicle number TN-59-L-9700 was given by the claimant when he was conscious to the Medical Officer. That apart, the doctor was not examined to show that the vehicle No.TN-59-L-9700 was wrongly mentioned in the Accident Register . So, I find no illegality or irregularity in the conclusion reached by the Tribunal. Hence, the order of the Tribunal is liable to be confirmed.

6.In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Skn

To

1.The Motor Accident Claims Tribunal
(Fast Track Court), Additional District Judge,
Periyakulam.

COPY TO:

2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.SRINIVASA RAGHAVAN, Advocate (SR-16206[F] dated 17/04/2021)

JUDGMENT MADE IN

C.M.A(MD)No.1316 of 2011

16.04.2021

GS (19.05.2021) 2P 4C