



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.M.A. (MD) No.1521 of 2010

WEB COPY

Samathan

... Appellant/Petitioner

-vs-

1.Chellam Chettiar

2.The United India Insurance Co. Ltd.

Branch Office, 463, V.O.C.Road

Karaikudi, Sivagangai District

... Respondents/Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988, to set aside the Judgment and Decree, dated 18.10.2000 in M.C.O.P.No.78 of 1999, on the file of the Motor Accident Claims Tribunal (Additional District Judge-cum-Chief Judicial Magistrate), Sivagangai.

For Appellant : Mr.R.Jegadeeswaran

For Respondents : No appearance for R1
Mr.J.S.Murali for R2

J U D G M E N T

This civil miscellaneous appeal has been filed by the claimant challenging the Judgment, dated 18.10.2000, passed in M.C.O.P.No.78 of 1999, by the Motor Accident Claims Tribunal (Additional District Judge-cum-Chief Judicial Magistrate), Sivagangai, wherein the claim petition filed by the appellant was dismissed.

2. The case of the claimant in brief is that on 11.11.1998, at 15.30 hours, the claimant was proceeding on Manamadurai - Elayankudi Main Road. At that time, a Bus bearing registration No.TN63 Y0779 owned by the first respondent and insured with the second respondent - Insurance Company came in a rash and negligent manner and hit against the claimant. In the accident, the claimant sustained injuries and immediately, he was taken to Paramakudi Government Hospital, where he took treatment as inpatient for more than a month. Alleging that the driver of the Bus was responsible for the accident, he filed a claim petition claiming compensation of Rs.1,00,000/-.



3. The claim petition was resisted by the second respondent - Insurance Company contending that the entire averments in the claim petition are false and the claimant is not entitled for any compensation.

4. Though notice has been served on the first respondent and his name has been printed in the cause list, none appeared on his behalf

5. Heard Mr.R.Jegadeeswaran, learned counsel for the appellant and Mr.J.S.Murali, learned counsel for the second respondent - Insurance Company and carefully perused the materials available on record.

6. During trial, the claimant produced a copy of First Information Report (Ex.P1), wherein it is stated that when he was walking near T.Pudukottai Bus Stop, he was hit by the offending Bus. In the Accident Register, which was marked as Ex.P3, it is stated that when he was alighting from a Bus at T.Pudukottai Bus Stop, he fell down and sustained injuries. That apart, the claimant himself has admitted that he gave a Letter (Ex.R1) stating that the accident occurred due to his negligence. Considering the above evidence, the Tribunal came to the conclusion that the claimant made a false claim and hence, he is not entitled for compensation. I find no valid ground to interfere with the conclusion reached by the Tribunal dismissing the claim petition.

7. In fine, the civil miscellaneous appeal fails and it is dismissed. No costs.

Sd/-

Assistant Registrar (CS I)

// 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.



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To:

1.The Additional District Judge-cum-
Chief Judicial Magistrate,
Motor Accident Claims Tribunal,
Sivagangai

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

+1 CC to M/s.J.S.MURALI, Advocate (SR-5854[F] dated 18/02/2021)

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TP (CO)
KK(02.03.2021) 3P 5C