



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2021

CORAM :

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) No.1024 of 2017

and

C.M.P. (MD) No.4583 of 2017

S.Palaniappan

... 1st Respondent/Petitioner

vs.

1.Jamrud Beevi

2.Nabisha Begum

3.Libiya Begum

4.Ashiya Begum

5.Ammami Begum

6.M.N.S.Hyder Ali

... Petitioners/Respondents

... 2nd Respondent/Respondent

PRAYER:- This Petition is filed under Article 227 of the Constitution of India, to strike off the claim petition in MCOP.No.629 of 2015 on the file of the Motor Accident Claims Tribunal, Pudukkottai.

For Petitioner : Mr.S.I.Muthiah

For R1 to R5 : Mr.S.Bavishya for
Mr.R.Maheswaran

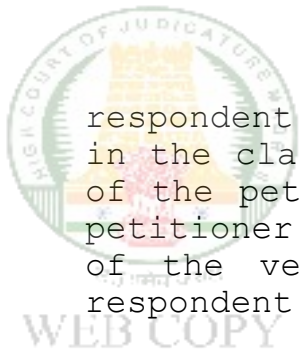
For R6 : Mr.B.Jameel Arasu

ORDER

The above Civil Revision Petition is filed to strike off the claim petition filed by the respondents 1 to 5 herein in MCOP.No.629 of 2015 on the file of the Motor Accident Claims Tribunal, Pudukkottai. This claim petition has been filed seeking compensation for the death of one Mohammed Yusuf. The 1st claimant is the wife of the deceased Mohammed Yusuf and the claimants 2 to 5/respondents 2 to 5 are his children.

2.The petitioner would seek to have the claim petition struck off on the ground that the claim petitioners had filed a claim petition on the basis that the deceased Mohammed Yusuf was travelling in the petitioner's vehicle driven by the 6th respondent, which had met with the accident, as a result of which, late.Mohammed Yusuf had succumbed to the injuries.

3.The petitioner would submit that the claim petitioners have not been able to establish the nexus between the petitioner, the 6th



respondent and the deceased Mohammed Yusuf and no such plea is given in the claim statement. There is no narration as to how the vehicle of the petitioner had come in the hands of the 6th respondent. The petitioner would submit that he was always in possession and control of the vehicle and had never handed over the same to the 6th respondent and therefore, the entire accident is a concocted one.

4.The ground, on which the claim petition is sought to be struck off, is on the lack of pleading with reference to the nexus between the petitioner, the deceased, Mohammed Yusuf and the 6th respondent, who drove the offending vehicle. These are the matters, which have to be established through evidence and without giving an opportunity to the claimants to substantiate their case through evidence, the claim petition cannot be dismissed at the threshold.

5.In these circumstances, the Civil Revision Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar(CS)

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To

The Motor Accident Claims Tribunal,
Pudukkottai.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-39424[F] dated 17/12/2021)

+1 CC to M/s.K.C.MANIYARASU, Advocate (SR-39459[F]
dated 20/12/2021)

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KK (CO)

GC(19.01.2022) 2P 4C