



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CMA No. 1735 of 2018

C.Jayavelu (since deceased)

1. J.Thangmani
2. J.Tamilarasan
3. S.Jayasri
4. J.Divya
5. J.Jayapratha
6. Chithirai
7. Dhanalakshmi

... Appellants/Petitioners

Vs

1. D.K.Mani
2. United India Insurance Co., Limited.,
No.9, Shanmugam Road
Tambaram West, Chennai - 600 045.

... Respondents/Respondents

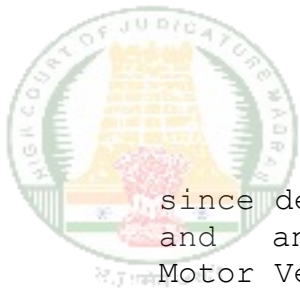
Prayer: Civil Miscellaneous Appeal filed under Section 173 of the M.V. Act, 1988 against the Judgment and Decree dated 26.03.2018 in M.C.O.P.No. 1063 of 2008 on the file of the Motor Accident Claims Tribunal, II Judge, Small Causes Court, Chennai.

For Appellants : Mr. A.N.Viswanatha Rao

For 2nd Respondent: Mr. C.Paranthaman

J U D G M E N T

The Appeal has been filed questioning the award dated 26.03.2018 in M.C.O.P.No. 1063 of 2008 passed by the learned II Judge, Small Causes Court, Motor Accident Claims Tribunal, Chennai.



2. The first petitioner before the Tribunal, Jayavelu since deceased, was traveling as a pillion rider in a motor cycle and an untraceable Maruti Van had hit the motor cycle. The Motor Vehicle could not be traced. There are no details given as to the description of the Motor Vehicle or its Registration number. Pending the petition, Jeyavelu also died on 10.05.2016.

3. The Tribunal on perusal of the evidence had very categorically stated that Jeyavelu died nearly 9 years after the date of accident. The appellants had also failed to prove that there was a direct nexus between the injuries suffered and the cause of death.

4. There is no evidence available that the injuries suffered were the cause of death. The Tribunal had therefore in the absence of any evidence, dismissed the claim petition. Even before this Court, the appellants have not adduced any additional evidence. This Court cannot therefore take a contrary view but will have to necessarily confirm the finding given by the Tribunal. Hence, this Civil Miscellaneous Appeal is dismissed. No order as to costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

vsg

To

1.Motor Accident Claims Tribunal,
The Judge, Court of Small Causes,
Chennai.

Copy to:
The Section Officer,
VR Section,
Madras High Court, Chennai.

+1cc to Mr.C.Paranthaman, Advocate SR.No.11494
+2cc to M/s.Ramya V.Rao, Advocate SR.No.11929

CMA No. 1735 of 2018

KK(CO)
CB(09/03/2022)