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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.04.2022**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.M.A(MD)No.927 of 2021

1.Mariammal
2.Muthulakshmi
3.Mareeswaran
4.Lakshmi Ammal ... Appellants/Petitioners

.vs.

1.J.Ramajeyam

2.Reliance General Insurance Company,
3rd Floor, Sri Abirami Towers,
Cowly Brown Road,
R.S.Puram,
Coimbatore ... Respondents/Respondents

PRAYER: Appeal filed under Section 173 of the Motor Vehicles Act, against the fair and decreetal order passed in M.C.O.P.No.57 of 2018 on the file of the Motor Accident Claims Tribunal / II Additional District Judge, Thoothukudi, dated 06.01.2021.

For Appellant : Mr.Shathurthi Raja, for M/s.S.Kadarkarai
For R-1 : No Appearance
For R-2 : Mr.V.Sakthivel

JUDGMENT
****

R.SUBRAMANIAN,J.
AND
N.SATHISH KUMAR , J.

The claimants in M.C.O.P.No.57 of 2018 on the file of the Motor Accident Claims Tribunal / II Additional District Judge, Thoothukudi, are on appeal, challenging the rejection of their claim petition on the ground that the involvement of the vehicle owned by the first respondent and insured with the second repsondent Insurance Company, has not been established to the satisfaction of the Court.

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2. Today, the learned counsel for the appellant has produced documents in the form of charge sheet, 161 Cr.P.C., statements and deposition in C.C.No.217 of 2019 on the file of the Judicial Magistrate No.II, Thoothukudi, wherein the driver of the offending Car bearing Registration No.TN 69 BD 0120 was charged with the offence of rash and negligent driving. According to the learned counsel, these documents offer sufficient proof for the involvement of the Car owned by the first respondent in the accident.

3. The learned counsel appearing for the second respondent / Insurance Company, would submit that he should be given an opportunity to let in evidence before the Tribunal in view of the subsequent revelation.

4. Hence, this Civil Miscellaneous Appeal is allowed. The order of the Motor Accident Claims Tribunal / II Additional District Judge, Thoothukudi, dated 06.01.2021, dismissing M.C.O.P.No.57 of 2018, is set aside and M.C.O.P.57 of 2018, is remitted to the Tribunal to be disposed of in accordance with law. The parties will at liberty to let in oral and documentary evidence. Considering the fact that the accident is of the year 2017, the Tribunal will endeavour to dispose of the M.C.O.P.57 of 2018, within six months from the date of receipt of copy of the papers from this Court. No Costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

pm

To:

1.The Motor Accident Claims Tribunal/
II Additional District Judge, Thoothukudi.

Copy to:
The Section Officer, V.R.Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1 CC to M/s.S.KADARKARAI, Advocate (SR-20945[F] dated 25/04/2022)

C.M.A(MD)No.927 of 2021
22.04.2022

RD(09.06.2022) 2P 5C

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