



C.R.P.D.Nos.792 to 794 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19/6/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Civil Revision Petition PD Nos.792 to 794 of 2023

a n d

C.M.P.No.6078 of 2023

1. Rathi
2. K. Jeevanandan
3. Minor K.Gokul
rep. By mother and natural guardian
Smt.Rathi
4. Dilliammal ... Petitioners

Vs

1. E. Praveen Kumar
2. M. Elumalai ... Respondents

Common Prayer: Petitions filed under Article 227 of the Constitution of India to set aside the order dated 7/1/2023 passed in I.A.Nos.4, 5 and 6 of 2022 in M.C.O.P.No.83 of 2020 on the file of the Special District Court, Motor Accident Claims Case No.1 (MACT) Tiruvallur.

For Petitioners ... Mr.R.Sunil Kumar

For respondents ... Mr.D.S.Rajasekaran

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COMMON ORDER

WEB COPY These Civil Revision Petitions have been filed aggrieved by the orders passed in I.A.Nos.4 to 6 of 2022 in M.C.O.P.No.83 of 2020, on the file of the Special District Court, Motor Accident Claims Case No.1 (MACT) Tiruvallur.

2. Brief facts which are necessary for the disposal of these Civil Revision Petitions are as follows:-

M.C.O.P.No.83 of 2020 has been filed seeking for a compensation of Rs.55 lakhs, on account of the fatal accident, which occurred, on 10/8/2020, at about 3.50 p.m., at Arakonam to Tiruvallur Main Road, by the first respondent driver of a car, bearing Registration No.TN-20-CJ-4293. Admittedly, there is no insurance to the crime vehicle, thereby, the claim petition was filed only against the driver and owner of the crime vehicle, as first and second respondents, respectively.

3. During the pendency of enquiry, petitioners have filed I.A.Nos.4 to 6 of 2022, under Order 7 Rule 14 (2) r/w. Section 151 of the Code of Civil Procedure, to recall P.W.1 and permit the petitioners to mark



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certain documents as exhibits and the said petition came to be dismissed.

Aggrieved by the same, the present Civil Revision Petitions have been filed.

4. Heard Mr.R.Sunilkumar, learned counsel for the petitioners and Mr.D.S.Rajasekaran, learned counsel for the respondents.

5. It is alleged by the learned counsel for the petitioners that during the pendency of the claim petition, the second respondent being the owner of the crime vehicle sensing that the claim petition may likely to be allowed has transferred the immovable property, belonging to him in favour of his wife, with an intention that in case, if the said claim petition is allowed, the property belonging to him shall not be attached.

6. On the other hand, the learned counsel appearing for the respondents submitted that even if the document is received, no purpose would be achieved as there is no provision, under the Motor Vehicles Act, to attach the properties before the claim petition is allowed, thereby, even if the respondents transferred the properties in favour of his wife, it will not in any way affect the case of the petitioners. Learned counsel



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appearing for the respondents did not explain as to the necessity of the second respondent in settling the immovable property belonging to him in favour of his wife except submitting that it was done in a written manner.

7. The issues involved in the O.P before the Tribunal is whether the driver of the claim vehicle was rash and negligent and if so, on account of the fact that there is no insurance to the claim vehicle, whether the owner of the vehicle i.e., R. 2 is liable to pay compensation to the claimants and if so, what is the quantum of compensation. In order to resolve those issues before the Tribunal, the documents which are sought to be filed before the Court is not at all required. Therefore, this Court is in full agreement with the finding of the learned Tribunal.

8. In view of the above, these Civil Revision Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

19/6/2023

Index :yes/no
Neutral Citation: Yes/No
mvs.



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To
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The Special District Court, Motor Accident Claims Case No.1 (MACT)
Tiruvallur.

Dr.D.NAGARJUN,J



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