



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.M.A.No.3650 of 2014

K.C.Annamalai

.. Appellant/Claimant

Vs.

1. B.C.Chandran

2. M/s.National Insurance Company Limited

No.19, Officer's Lane,
Vellore, Vellore District.

.. Respondents/Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1988, to call for the records of the judgment and decree dated 14.03.2007 in MCOP.No.542/2004 on the file of the MACT (Sub Court) Tirupattur, Vellore District by dismissing the claim petition and set aside the same there award of Rs.1,00,000/-

For Appellant	:	Mrs.A.Subadra
		For M/s.M.Malar
For Respondents	:	Mr.J.Chandra

J U D G M E N T

This Civil Miscellaneous Appeal has been filed seeking compensation in judgment and decree dated 14.03.2007 in MCOP.No.542/2004 on the file of the MACT (Sub Court) Tirupattur, Vellore District .



WEB COPY 2. The appellant is claimant in M.C.O.P.No.542 of 2004, on the file of Motor Accidents Claims Tribunal/Sub Court, Tiruppattur. He filed the above claim petition claiming a sum of Rs.3,00,000/- as compensation for the injuries sustained by him in the accident that took place on 20.12.2003.

3. The Tribunal considering the pleadings, oral and documentary evidence held that the claim made by the claimant is fake and hence, dismissed.

4. Aggrieved by the said award, the appellant/claimant has come out with the present appeal seeking compensation.

5. The learned counsel appearing for the appellant contended that the Court below dismissed the claim petition solely on the ground that the claim is fake by relying Ex.A8 viz., discharge summary but the Doctor was not examined to the contention of the document.



6. Per contra, the learned counsel appearing for the second respondent/Insurance Company contended that admittedly, on seeking the opposite vehicle, the appellant lost his control and fell down on the road and the first respondent has not dashed against the appellant. The appellant has sustained only simple injuries and was admitted in the hospital and discharged on the same day. Hence, the Tribunal has rightly dismissed the claim petition filed by the appellant on the sole ground that fake claim, which does not warrant any interference.

7. Heard the learned counsel appearing for the appellant as well as the second respondent/Insurance Company and also perused all the materials available on record.

8. From the materials on record, it is seen that due to the accident, the appellant sustained only simple injuries. On perusal of the Ex.A8, it is seen that the appellant lost his control and he himself fell down on the road and sustained injuries. The Tribunal has elaborately discussed the issue, which cannot be interfered with and there is no error in the award passed by the Tribunal warranting interference by this Court.



WEB COPY 9. Accordingly, the award passed by the Tribunal is hereby confirmed
and the Civil Miscellaneous Appeal is dismissed. No costs.

05.10.2023

Index : Yes / No
Speaking Order : Yes/ No
rli



WEB COPY



5

M.DHANDAPANI.,J.

rli

To
The Motor Accident Claims Tribunal,
Sub Court) Tirupattur, Vellore.

C.M.A.No.3650 of 2014

05.10.2023