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C.M.A.No.2829 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.2829 of 2021

P.Sellammal

... Appellant

..Vs..

The Managing Director
Tamilnadu State Express Transport Corporation
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

...Respondent

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the award and decree dated 21.08.2019 made in MCOP No.2937 of 2015, on the file of the Motor Accident Claims Tribunal (Principal Special Judge), Chennai.

For Appellant

: Mr.K.Varadha Kamaraj

For Respondent

: Mr.K.Kathiresan
Standing Counsel



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J U D G M E N T

This appeal has been filed, challenging the award of the Tribunal under which the claim filed by the appellant seeking compensation from the respondent for the injuries sustained by her, as a result of an accident caused by a bus owned by the respondent Corporation has been dismissed on the ground that the appellant/claimant has not produced the originals of all the documents which she relies upon.

2. Learned counsel for the appellant/claimant would now submit that the appellant is prepared to produce all the original documents, if so required before the Tribunal.

3. Learned counsel for the respondent also drew the attention of this Court to the impugned Award and would submit that only due to the reason that the appellant/claimant did not produce the originals, the claim came to be dismissed.



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4. When, the learned counsel for the appellant on instructions would submit that the appellant/claimant is willing to produce all the original documents, no prejudice would be caused to the respondent, if the matter is remanded back to the Tribunal for fresh consideration to enable the appellant to produce the originals. The legislation being a welfare legislation, the interest of the accident victims should be protected.

5. Therefore, after recording the submissions made by the learned counsel for the appellant on instructions that the appellant shall produce the originals of all the documents which the appellant/claimant is going to rely upon for the purpose of claiming compensation, the impugned award dated 21.08.2019 passed in M.C.O.P No.2937 of 2015 on the file of the Motor Accident Claims Tribunal/Principal Special Judge, Chennai, is hereby set aside and the matter is remanded back to the very same Tribunal for fresh consideration on merits and in accordance with law, by permitting the appellant to produce the originals of all the documents. The Tribunal, on remand shall dispose the MCOP preferably within a period of six months



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from the date of receipt of a copy of this order.

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6. Accordingly, this Civil Miscellaneous Appeal is allowed. No costs.

04.04.2024

Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

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To

1.The Motor Accident Claims Tribunal/
Principal Special Judge, Chennai.

2.The Section Officer
V.R.Section, High Court of Madras.



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ABDUL QUDDHOSE, J.

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