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C.R.P.No.1576 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

C.R.P.No.1576 of 2024

and

C.M.P.Nos.8478 and 8481 of 2024

Juliet Dola Rose

... Petitioner

Vs.

1.G.Muthu Krishnan

2.M.Jayanthi Kumari

3.The New India Assurance Company Ltd.

No.1, Bharathi Road,

Arcot Woodlands Building

Cuddalore.

... Respondents

PRAYER: Civil Revision Petition has been filed under Article 227 of Constitution of India, 1950, praying to direct the Special Motor Vehicle Claims Tribunal-I, Cuddalore to allow the marking of the document which is, the Deposition of Muthu Krishnan in C.C.No.1926/2012 before the learned VI Metropolitan Magistrate, Egmore, Chennai, through Juliet Dola Rose, the petitioner herein and the 1st respondent in M.C.O.P.No.2433 of 2014.

For Petitioner : Dr.A.E.Chelliah, Senior Counsel
for Mr.R.Prathaban

For Respondents 1 & 2 : No appearance

For Respondent-3 : Mr.J.Michael Visuvasam



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3.The further contention of the learned Senior Counsel is that the first respondent herein was examined as P.W.2 in C.C.No.1926 of 2012, during the cross examination, the first respondent gave explanation that six months prior to the accident dated 27.07.2011, his son sustained injuries and took treatment with his family doctor and thereafter he met with an accident with the same bike, which is involved in the present case. But in column No.22(A)(i) of the claim petition it was mentioned that the said Rupankumar was not involved in any other road accident earlier. For this contradiction, the petitioner wanted to mark the evidence of Muthu Krishnan in C.C.No.1926 of 2012 but it was denied. Earlier the petitioner filed a petition in CrI.O.P.SR.No.7604 of 2024. This Court, by order dated 04.03.2024, granted liberty to the petitioner to file a petition under Article 227 of the Constitution of India. Hence, the present petition has been filed. Her limited prayer is to mark the evidence of first respondent in C.C.No.1926 of 2012 as an exhibit.



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4.Though notice was served to the respondents 1 and 2 and their names are printed in the cause-list, they have not entered appearance either in person or through their counsel.

5.The learned counsel for the third respondent/Insurance company submitted that in this case the petitioner's car bearing registration No.TN-07-BH-1487 met with an accident, caused damage to the motor bike bearing registration No.TN-07-BJ-0321 on 27.07.2011 near Avvayar Statue, Beach Road. The rider of the bike Rupankumar sustained injuries, later succumbed to the injuries. The D6, Anna Square Police Station, Chennai registered a case in Crime No.249/2011 for offence under Sections 279 and 304(A) of IPC, later charge sheet filed in C.C.No.1926 of 2012, in which, the first respondent was examined as PW2, who is the father of the deceased Rupankumar. He further submitted that the Insurance Company has got no objection in marking the documents.



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6.Considering the submissions made and on perusal of the materials available on record, it is seen that M.C.O.P.No.2433 of 2014 is at the stage of trial. As regards the Insurance Company, they got no objection in marking the evidence of first respondent. It is the Court which objected for marking the deposition of Muthukrishnan/first respondent, as there was an objection from the first respondent. In view of the above, this Court directs the Motor Accident Claims Tribunal-I, Cuddalore to permit the petitioner to mark the evidence of first respondent/Muthu Krishnan, who was examined as PW2 in C.C.No.1926 of 2012, as an Exhibit in the M.C.O.P. case.

7.With the above directions, this Civil Revision Petition is Allowed. No costs. Consequently, connected miscellaneous petitions are closed.

14.06.2024

Index : Yes/No

Internet : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

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M.NIRMAL KUMAR, J.

rsi

To

1.The Special Motor Accident Claims Tribunal-I,
Cuddalore.

2.The VI Metropolitan Magistrate,
Egmore, Chennai.

C.R.P.No.1576 of 2024

and

C.M.P.Nos.8478 and 8481 of 2024

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