



Civil Miscellaneous Appeal No.580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Miscellaneous Appeal No.580 of 2024

P.Chalam Charles Venkaiah
S/o.Polaiah

... Appellant

Vs.

1.Batthala Laxmidevamma
W/o.Devadanam

2.Sri Ram General Insurance Company Ltd.,
No.66, Thirumallai Pillai Street,
T.Nagar, Chennai - 17.

(Now the company shifted to)
No.2A, Mookambika Complex,
2nd Floor, Lady Desika Road,
Mylapore, Chennai - 600 004.
Near Samco Hotel

... Respondents

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the judgment and decree dated 13.02.2017 passed in M.C.O.P.No.4709 of 2013 by the Motor Accident Claims Tribunal, III Judge of Small Causes, Chennai.



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For Appellant : Mr.M.Pachaiyappan

For Respondents : Ms.R.Sreevidhya [R2]

JUDGMENT

The appellant/claimant, not being satisfied with the quantum of compensation awarded by the Tribunal, has filed this appeal against the award passed by the Motor Accident Claims Tribunal, II Judge of Small Causes, Chennai, in M.C.O.P.No.4709 of 2013, dated 13.02.2017.

2. When the matter came up for hearing, it was brought to the notice of this Court that the claimant had already approached the Motor Accident Claims Tribunal, Nellore and filed M.C.O.P.No.503 of 2013. The matter was referred to Lok Adalat and an award was passed in Lok Adalat Award No.112 of 2017 dated 11.02.2017. Concealing this fact, the claim petition in M.C.O.P.No.4709 of 2013 was filed before the Tribunal and the Tribunal had fixed the compensation payable by the insurance company. Not being satisfied with the quantum of compensation, the present appeal has been filed.

3. A connected case on the very same issue came up for hearing



before this Court at the condone delay stage in C.M.P.No.10991 of 2023

and it was dismissed by this Court on 12.04.2024 in the following terms:

"This Civil Miscellaneous petition has been filed seeking to condone the delay of 2134 days in filing the Civil Miscellaneous Appeal.

2. Heard the learned counsel for the Appellant and perused the records.

3. The appeal has been filed with an exorbitant delay of 2134 days. This Court is not convinced with the reasons assigned in the affidavit filed in support of this petition and it is seen that there is more than five years delay without assigning proper reasons. Hence, this Court is not inclined to condone the delay.

4. That apart, it is also brought to the notice of this Court that the very same petitioner/appellant had also approached the Motor Accident Claims Tribunal, Nellore and the Motor Accident Claims Tribunal referred the matter to the Lok Adalat and an award was passed on 11.2.2017. In spite of the same, the very same claimant has filed yet another claim petition before the Motor Accident Claims Tribunal, Chennai, by giving an impression as if the claim petition that was filed before the Motor Accident Claims Tribunal, Nellore, was not contested. Obviously, a false claim has been made by the petitioner/appellant and the Tribunal has not even considered this issue and has awarded compensation. This is yet another ground on which the present petition is liable to be dismissed. Since a false claim has been made by the claimant, the award itself is liable to be interfered by this Court and accordingly, the award in M.C.O.P.No.4707 of 2013, dated 13.2.2017, on the file of (III Judge Small Causes, Chennai) Motor Accident Claims Tribunal, Chennai, is also set aside.

5. Accordingly, this Civil Miscellaneous petition is dismissed. Consequently, CMA. Sr.No.61797 of 2023 is closed."

N.ANAND VENKATESH, J.



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WEB COPY 4. In the considered view of this Court, the claim petition that was

filed by the appellant is clearly an abuse of process of Court since the claim petition was filed by concealing the earlier Lok Adalat Award that was passed. Hence, the award passed by the Motor Accident Claims Tribunal, II Judge of Small Causes, Chennai, in M.C.O.P.No.4709 of 2013, dated 13.02.2017, is liable to be set aside by this Court and accordingly, the same is set aside.

In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

16.04.2024

Speaking Judgment/Non-speaking Judgment

Index : Yes/No

Neutral citation: Yes/No

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To

The Motor Accident Claims Tribunal,
II Judge of Small Causes, Chennai.

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