



C.M.A.(MD.No.1037 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE L.VICTORIA GOWRI

C.M.A.(MD) No.1037 of 2017

1.Uma Maheswari

2.Minor M.Sumithra

3.Minor M.Poornima

4.Minor M.Vadivelan ... Appellants / Claimants
(Minors 2 to 4 are represented by their mother / next friend
Uma Maheswari - 1st appellant herein)

Vs.

1.Periyasamy

2.Unnamalai



C.M.A.(MD.No.1037 of 2017)

3. The Divisional Manager,

United India Insurance Company Limited,

No.42, 1st Floor, Madathu Street,

Thanjavur District.

... Respondents / Respondents

(Respondent Nos.1 and 2 were set exparte before the Tribunal. Hence, notice may be given up against them)

Prayer: Appeal filed under Section 19 of Family Court Act to set aside the judgment and decretal order made in M.C.O.P.No.16 of 2012, dated 04.11.2015 by the Motor Accident Claims Tribunal / Chief Judicial Magistrate, Thanjavur at Kumbakonam and allow the appeal.

For Appellants : Mr.B.Anandan

For R-3 : Mr.A.Shajahan

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is filed challenging an order dismissing M.C.O.P.No.16 of 2012 on the file of the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Thanjavur at Kumbakonam. The M.C.O.P came to be dismissed on the ground of non-involvement of the alleged offending goods carrier which



C.M.A.(MD.No.1037 of 2017)

WEB COPY

according to the claimants was responsible for the death of a rider of a motorcycle.

2. The Motor Accident Claims Tribunal has arrived at a conclusion about the non-involvement of a goods carrier essentially because there were two FIRs pertaining to the same accident. While the claimant has introduced one in evidence, the other was produced by the Insurance Company. The trial Court found that an FIR produced by the claimant marked Ex.P.1 is a fake one and the FIR marked Ex.R.5 by the Insurance Company is genuine. This Court is also informed that the claimants and the Police officials, who were responsible of manufacturing Ex.P.1, are now facing trial before a Criminal Court.

3. This Court perused the papers and finds that the claimant is trying to justify the perjury that they have already attempted before the Tribunal. At this juncture, the learned counsel for the appellant offers to withdraw this appeal.



C.M.A.(MD.No.1037 of 2017)

4. This Civil Miscellaneous Appeal is dismissed as withdrawn. No costs.

(N.S.S., J.) (L.V.G., J.)
28.06.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

TSG

To

1. The Motor Accident Claims Tribunal,
Chief Judicial Magistrate, Thanjavur at Kumbakonam.

2. The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.M.A.(MD.No.1037 of 2017

N. SESHASAYEE, J.
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TSG

C.M.A.(MD).No.1037 of 2017

28.06.2024