



C.M.A(MD)No.182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2024

CORAM

THE HON'BLE MR.JUSTICE S.SRIMATHY

C.M.A(MD)No.182 of 2023

and

C.M.P.(MD)Nos.1889 and 10501 of 2022

1.Ganaespandian

2.Vigneswaran

... Appellants

Vs.

Balamurugan

... Respondent

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the order passed in M.C.O.P.No.101 of 2018, dated 29.11.2022, on the file of the Learned Motor Accident Claims Tribunal/Subordinate Judge, Aruppukottai.

For Appellants : Mr.C.M.Arumugam

For Respondent : Mr.A.Karthik

JUDGEMENT

The owner of the vehicle has preferred this appeal.

2. The contention of the appellant is that three persons were travelling in the two-wheeler and all the three persons were under the influence of alcohol. It



C.M.A(MD)No.182 of 2023

is seen before the Tribunal the owner of the vehicle had remained exparte. Hence the Learned Counsel appearing for the appellant submitted that in order to prove the case the appellant ought to examine the Driver. Further while conducting the case before the Tribunal, the parties had failed to examine the Driver. Hence, the appellant has preferred a petition in C.M.P.(MD)No.10501 of 2023 to permit the appellant to examine himself. Since the appellant is seeking an opportunity to re-conduct the case before the Tribunal, to examine the parties, it is necessary to remand the case back to the Tribunal for conducting denova trial. The order passed by the Tribunal is set aside and the case is remitted back to the Tribunal. The parties are at liberty to file additional evidence, if so advised and also permitted to examine witness including the Driver. The Tribunal shall complete the proceedings within a period of six months from the date of receipt of a copy of this judgment.

3. Therefore, the Civil Miscellaneous Appeal is allowed, C.M.P.(MD)No. 10501 of 2023 is allowed and C.M.P.(MD)No.1889 of 2023 is closed. No costs.

13.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Tmg



C.M.A(MD)No.182 of 2023

To

- 1.Motor Accident Claims Tribunal/
Subordinate Judge, Aruppukottai.
- 2.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



C.M.A(MD)No.182 of 2023

S.SRIMATHY, J.

Tmg

C.M.A(MD)No.182 of 2023

13.02.2024