



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 02.09.2024	Delivered on: 01.10.2024
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CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

AND

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Rev.Aplc.(MD) No.64 of 2024

in

CMA (MD). No.1045 of 2023

Manikandan

.. Petitioner

Vs.

1.T.Nagarajan

2.The Branch Manager,
The National Insurance Company Limited,
Anguvilai Building,
North Car Street, Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

.. Respondents

Prayer:- This Review Application is filed under Order 47 Rule 1 r/w. Section 114 of the Code of Civil Procedure, 1908 to review the Judgment and Decree passed in CMA (MD) No.1045 of 2023, dated 19.12.2023 on the file of this Court and begs to allow the claim petition as prayed for.

For Petitioner : Mr.K.Vamanan

For Respondents : No Appearance

ORDER



(Order of the Court was made by P.B.BALAJI, J.)

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This Review Application has been filed seeking to review our judgment dated 19.12.2023 in CMA (MD) No.1045 of 2023.

2. We have heard Mr.K.Vamanan, learned counsel for the Review Applicant.

3. The learned counsel for the Review Applicant would submit that originally before the Tribunal, he had claimed compensation to the tune of Rs.50,00,000/- and the same was dismissed by the Tribunal. As against the said dismissal of the Original Petition, the Appeal was finally heard by us.

4. After hearing the learned counsel for the appellant as well as the learned counsel for the 2nd respondent, Insurance Company, we confirmed the findings of the Tribunal that the accident itself had not been proved and consequently, the claimant was not entitled to any compensation.

5. The learned counsel for the Review Applicant would bring to our



notice referring to the additional typed set of papers filed along with the Review Application containing certain documents which were not exhibited either before the Tribunal or before us at the time of hearing of the Appeal. Referring to the same, the learned counsel for the Review Applicant would state that the accident was in fact true and the claimant was possessed of sufficient documentary evidence to establish the same.

6. The learned counsel for the Review Applicant would however fairly submit that the said documents which have now been relied upon by the Review Applicant were not placed either before the Tribunal or before us when the Civil Miscellaneous Appeal was finally disposed of.

7. Under Order 47, Rule 1 of the Code of Civil Procedure, 1908, the grounds for review are limited. Examining the scope of review and the materials placed before us, we proceed to see if any case has been made out for reviewing the judgment passed in CMA(MD) No.1045 of 2023.

8. The review is permissible when (i) there is discovery of some new or important matter of evidence which, despite exercise of due diligence, was not within the knowledge of the person seeking Review or the same



could not be produced by him at the time when the decree was passed or order was made, (ii) on account of mistake or error apparent on the face of the record and (iii) for any other sufficient reason.

9. The present Review Applicant does not fit within any of the above three categories. It is not his case that there is discovery of any new evidence which could not be produced before the Court despite due diligence. It is also not his case that there is a mistake or error apparent on the face of the record. We also do not find any other sufficient reason entitling the Applicant to seek review of our Judgment.

10. Admittedly, the claimant approached the Court with a specific case of a motor accident alleged to have taken place on 14.08.2010. Even before the Tribunal, the Insurance Company disputed the alleged accident itself and despite full opportunity given to the claimant, no evidence was produced before the Tribunal to prove the accident, much less the alleged injuries caused to the claimant.

11. Even in the Appeal before us, on the strength of the available oral and documentary evidence, the appellant contented that the Tribunal fell in



error in appreciating the evidence on record. However, on examining the oral and documentary evidence independently and also considering the findings of the Tribunal, we found that there was no reason to interfere with the order dismissing the claim petition. Pursuant to the said dismissal of the Appeal, the Review Applicant has now come forward seeking Review by placing reliance on new material which was neither pleaded and placed before the Tribunal nor before us when the Appeal was heard and disposed of.

12. In view of the above, we find no merit in the Review Application and consequently the Review Application is dismissed. However, there shall be no order as to costs.

(T.K.R.J.) & (P.B.B.J)
01.10.2024

Internet : Yes
Index: Yes/No
Neutral Citation: Yes/No
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RMT.TEEKAA RAMAN, J.,
and
P.B.BALAJI,J

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Pre-delivery Order in
Rev.Aplc.(MD) No.64 of 2024
in CMA (MD). No.1045 of 2023

01.10.2024