



*C.M.A. (MD)No.234 of 2018*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.02.2024

CORAM:

**THE HON'BLE MR.JUSTICE K.MURALI SHANKAR**

C.M.A.(MD)No.234 of 2018

IIPE Lakshmi Raman Matric Hr. Sec. School,  
Uthamapandiankulam,  
Tuticorin Road,  
Tirunelveli – 627 011.  
represented by its Secretary  
S.R.Anantharaman

... Appellant/  
Petitioner

Vs.

1. S.Camilla Jey
2. The New India Assurance Co. Ltd.,  
through its Divisional Manager,  
Divisional Office,  
Near Post Office, Tuticorin.
3. United India Insurance Co. Ltd.,  
through its Branch Manager,  
50/1, S.No.High Road,  
Tirunelveli- 627 001.

... Respondents/  
Respondents

**Prayer :** This Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, to allow the claim petition in M.C.O.P.No.191 of 2011 dated 24.08.2016 on the file of the Motor Accidents Claims Tribunal (Additional Subordinate Court, Tirunelveli), Tirunelveli.



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For Appellant : Mr.K.Hemakarhikeyan  
For R1 : Mr.S.T.Sasidharan Tamilkani  
For R2 : Mr.V.J.Kumaravel  
For R3 : Mr.B.Vijay Karthikeyan

### **JUDGMENT**

The Civil Miscellaneous Appeal is directed against the order passed in M.C.O.P.No.191 of 2011 dated 24.08.2016 on the file of the Motor Accident Claims Tribunal/Additional Subordinate Court, Tirunelveli, dismissing the claim petition.

2. The appellant has filed the above claim petition seeking compensation for the damages caused to the appellant's vehicle bearing Registration No.TN-72-M-7507. It is not in dispute that the appellant is a school and its vehicle bearing Registration No.TN-72-M-7507 is insured with the third respondent and that the first respondent is the owner of the other vehicle bearing Registration No.TN-69-J-0709 involved in the accident and the second respondent is the insurer.

3. It is evident from the records that though the Tribunal has come to a decision that the van driver and the bus driver are equally liable for



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the accident, since the appellant has not proved the damages caused to the vehicle and also taking note of the fact that the appellant has sold the vehicle involved in the accident for Rs.2,50,000/-, by holding that the appellant has not proved the alleged damages, dismissed the claim petition.

4. It is also not in dispute that they have made a claim before the third respondent and the same was rejected. Though the appeal was filed in 2018, the appellant has not chosen to produce any evidence before this Court invoking Order 41 Rule 21 C.P.C. In the absence of any evidence, the impugned order dismissing the claim petition cannot be found fault with. Since the appellant has not produced any evidence even before this Court, this Court is not inclined to interfere with the dismissal of the claim petition. Consequently, this Court concludes that the appeal is devoid of merit and the same is liable to be dismissed.

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

**26.02.2024**

NCC :yes/No

Index :yes/No

Internet:yes/No

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<https://www.mhc.tn.gov.in/judis>



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**K.MURALI SHANKAR,J.**

csn

To

1. The Motor Accident Claims Tribunal /  
Additional Subordinate Court, Tirunelveli.
- 2.The Record Keeper,  
Vernacular Section,  
Madurai Bench of Madras High Court,  
Madurai.

Judgment made in  
C.M.A.(MD)No.234 of 2018

**Dated : 26.02.2024**