



C.M.A(MD)No.1321 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2024

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.M.A(MD)No.1321 of 2023

P.Kumar @ S.Joseph Jude

... Appellant

Vs.

1.M/s.Prime Mover Mobility,
Represented through its Authorized Signatory,
Having its Technologies No.76/81, 3rd Floor,
Bridge Road, Ashok Nagar,
Bengaluru – 560 025.
(R1 Exparte in the Lower Court)

2.Royal Sundaram General Insurance Company Limited,
Through its Manager,
having office at ATP Towers,
No.12-A, 5th Floor, Bypass Road,
S.S.Colony, Madurai – 625 010.

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act 1988, against the Judgment, dated 08.08.2023, in M.C.O.P.No.1229 of 2018, on the file of the Motor Accident Claims Tribunal – Special Sub-Court, Madurai.

For Appellant	: Mr.C.Godwin
For R2	: Mr.S.Srinivasa Ragavan



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JUDGMENT

The claimant has preferred this Civil Miscellaneous Appeal.

2.It is a case of injury. The contention of the claimant is that two cars are involved in the accident. A Swift Car (claimant's car) was travelling from South to North and an Innova Car was travelling from North to South. Since the Innova Car hit the Swift Car on the right side of the Swift Car, the Swift Car has turned around because of the force in which the Innova Car hit the Swift Car. But the Tribunal has rendered a finding that based on evidence, the Swift Car turned to the right side and has fixed the liability on the Swift Car. The contention of the appellant is that because of the force in which the Innova Car had hit the Swift Car, the Swift Car has turned around and it is not the mistake of the Swift Car (claimant).

3. Hence, in order to ascertain the negligence on the part of the Swift Car as well as the Innova Car and thereafter, to quantify the compensation, the matter is remitted back to the Tribunal. The Tribunal shall take up the matter on 15.04.2024 and complete the case on or before 05.07.2024.



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4. With the above said direction, the Civil Miscellaneous Appeal is disposed of. No costs.

21.03.2024

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

Tmg

To

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



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S.SRIMATHY, J.

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