



WEB COPY



CMA.No.782 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CMA No.782 of 2025 and
CMP No.6254 of 2025

Rajkumari Kumaraswamy

... Appellant

Vs.

1. Narmadha
2. Shivani
3. The Managing Director,
State Express Transport Corporation Ltd.,
Thiruvalluvan House, Pallavan Salai,
Chennai 600 002.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 341 of Cr.P.C.
to set aside the order dated 09.12.2024 passed in unnumbered MPSR
No.49290 of 2024 in MCOP No.6790 of 2017 on the file of the IV
Court, Motor Accidents Claims Tribunal. Court of Small Causes,
Chennai.

For Appellant : Mr.H.Imthiaz Ahamed.



CMA.No.782 of 2025

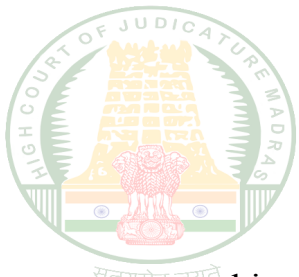
WEB COPY

JUDGMENT

This appeal has been filed, challenging the order passed by Tribunal, rejecting the application filed by the appellant, seeking prosecution of respondents/claimants for the act of perjury and to order recovery of compensation received by them, if any, with exemplary costs.

2. The first respondent herein filed a claim petition in MCOP No.679 /2017, claiming herself as wife of one S. Krishnakumar, who died in a road accident that had occurred on 11.06.2015. The appellant herein has been arrayed as 4th respondent in the above said claim petition.

3. It is the case of the appellant that the first respondent was a divorced wife of the deceased and hence, claim petition filed by her, as if she is the legally wedded wife of the deceased S.Krishnakumar is not maintainable. It is also claimed by the appellant that subsequent to the exparte divorce obtained by the deceased S.Krishnakumar, she married



CMA.No.782 of 2025

him.
WEB COPY

4. The learned counsel for the appellant would submit that since the marriage between the first respondent and the deceased S.Krishnakumar was dissolved by the court of competent jurisdiction by way of exparte decree of divorce, the first respondent has committed an act of perjury by filing claim petition, claiming herself as wife on the date of accident.

5. The Court below rejected the application filed by the appellant herein seeking to take action against the first respondent herein for the alleged perjury, mainly on the ground that the points raised by the appellant with regard to the marital status of the first respondent herein and the appellant with the deceased Krishnakumar could be considered only at the time of final disposal of the original claim petition. Ultimately, if the Tribunal comes to the conclusion that the first respondent was not the legally wedded wife of the deceased on the date of accident, all necessary consequences will follow.



CMA.No.782 of 2025

WEB COPY

6. The learned counsel for the appellant would submit that in the impugned order, the Tribunal has come to the conclusion that filing of the claim petition by the first respondent could not be considered as perjury and hence, the right of the appellant will be prejudiced.

7. Any observation made by the Tribunal in the impugned order, will not affect the right of the appellant at the time of final disposal and it is always open to the appellant to canvass all the pleas raised by her with regard to marital status of the first respondent, including the question of perjury at the time of final hearing of the original claim petition filed by the first respondent.

8. With the above clarification, this civil miscellaneous appeal is dismissed. Connected miscellaneous petition is closed.

18.03.2025

Index:Yes/No
Internet:Yes/No
mst

Page 4 of 6



WEB COPY



CMA.No.782 of 2025

To

1. The VI Judge,
Court of Small Causes, Chennai.
2. The Section Officer,
V.R.Section, Madras High Court.



WEB COPY



CMA.No.782 of 2025

S.SOUNTHAR, J.

mst

CMA No.782 of 2025

18.03.2025