



C.M.A.(MD)No.1403 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

C.M.A.(MD)No.1403 of 2024

Hari Kishore Mehta

... Appellant

VS.

1. M. Premkumar

2. The New India Assurance Company Limited,
Dharmapuri Branch 721 801,
Zonal Office, Kamarajarsalai, Madurai,
Through its Zonal Manager

... Respondents

PRAYER: Civil Miscellaneous Appeal is filed under Section 173 of Motor Vehicles Act, 1973, against judgment and decree dated 19.07.2018 passed in M.C.O.P.No.509 of 2014 on the file of the Motor Accidents Claims Tribunal / Special District Court for Motor Accident Cases, Madurai and to allow this C.M.A. by directing the tribunal to compensate the petitioner.

For appellant : Mr.B.A.Muruganantham

For Respondents

For R1 : No appearance

For R2 : Mr.A.Ilango



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J U D G M E N T

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This Civil Miscellaneous Appeal has been preferred by the claimant against the order of dismissal dated 19.07.2018 made in M.C.O.P.No.509 of 2014 passed by the Motor Accident Claims Tribunal / Special District Court for Motor Accident Cases, Madurai.

2. Despite the receipt of the notice, the first respondent neither appeared nor entered appearance through his Counsel.

3. Heard the arguments of Mr.B.A.Muruganantham, learned counsel for the appellant and Mr.A.Ilango, learned counsel for the second respondent.

4. It is the specific evidence of P.W.1 / Claimant that he did not sustain any injuries. Contra to the same, he would also state that he was admitted in the hospital but no treatment record was filed. Even in the First Information Report also there is no mention about the fact that he sustained injuries in the accident. P.W.1 has stated that he has taken treatment at Government Hospital and at a private Hospital, Kappalur. In the absence of the treatment records, the Trial Court has held that he did not sustain any injuries and chose to dismiss the claim petition.



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5. In consideration of the above said details and in the absence of any treatment records to prove the fact that on account of road traffic accident he sustained injuries, dismissal of the claim petition by the Tribunal does not warrant any interference by this Court.

5. Based on the aforesaid discussions and observations, this Civil Miscellaneous Appeal stands dismissed. There is no order as to costs.

02.01.2025

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

1. The Special District Court, Madurai

2.The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.



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R.KALAIMATHI,J

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