



C.R..P.(PD)(MD).No.2295 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(PD)(MD)No.2295 of 2022

and

C.M.P(MD) No.11008 of 2022

The Managing Director,
State Express Transport Corporation
TN Limited,
Pallavan Salai,
Thiruvalluvar Illam,
Chennai – 2.

... Petitioner/Petitioner/
2nd Respondent

Vs.

1. Arumugam

2. Thondeeswari

... Respondents/Respondents/Petitioners

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India r/w.151 of C.P.C, against the order and decretal order passed in I.A.No.2 of 2022 in M.C.O.P No.115 of 2016 on the file of the Principal District Court, Ramanathapuram, dated 31.03.2022.

For Petitioner : Mr.P.Prabhakaran

For Respondents: Mr.S.A.Ajmalkhan



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ORDER

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The respondent Transport Corporation in M.C.O.P No.115 of 2016 on the file of the Principal District Court, Ramanathapuram, is the revision petitioner herein.

2. The respondents herein have filed the above said claim petition contending that while the deceased was riding a bicycle on 18.05.2015 at about 10.30 p.m., a bus belonging to the respondent Transport Corporation came from behind and dashed against the deceased person. Due to the said impact, he is said to have been sustained injuries and had passed away.

3. The Transport Corporation has filed a counter contending that the respondent Transport Corporation is not the owner of the vehicle that is mentioned in the claim petition. Actually, the vehicle was owned by the State Express Transport Corporation, Chennai.



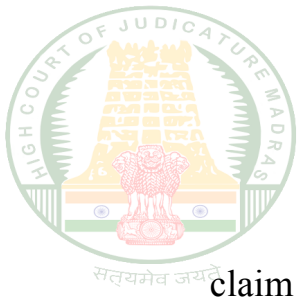
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4. Pending claim petition, the Transport Corporation has filed I.A.No.2 of 2022 under Order VII Rule 11 of C.P.C, to reject the claim petition on the ground that the claim petition does not reveal a cause of action and the vehicle that is said to have been involved in the vehicle do not belongs to the respondents. The said application came to be dismissed by the Tribunal. Challenging the same, the present Civil Revision Petition has been filed.

5. The learned counsel appearing for the revision petitioner had relied upon a copy of FIR in Crime No.98 of 2015, on the file of B1 Town Police Station, Ramanathapuram, dated 19.05.2015 and contended that the vehicle number is not mentioned in the said FIR. He also relied upon the final report filed by the police officials before the Judicial Magistrate No.1, Ramanathapuram on 29.07.2016 wherein the FIR has been closed on the ground that it is “Untraceable”. Therefore, according to the learned counsel appearing for the revision petitioner, there is no cause of action to the claim petitioners for filing the above said claim petition.

6. Per contra, the learned counsel appearing for the respondents/ claimants have contended that they have mentioned the vehicle number in the



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claim petition and that they will be in a position to prove the involvement of the said vehicle during trial. Therefore, he contended that the claim petition cannot be rejected on the basis of certain documents which are not part of the records of the Court. He further contended that the claim petition is posted for cross examination of P.W.1. At this stage, the present application is not maintainable.

7. Heard both sides and perused the material records.

8. The facts captured above will clearly indicate that the respondent Transport Corporation in the claim petition is contending that the vehicle that is involved in the said accident does not belong to them and the F.I.R has been closed as “Untraceable”. These facts have to be established only during trial. That apart, the claim petition can be rejected only on the basis of the averments in the claim petition or on the documents filed along with the claim petition. The Court cannot rely upon any other documents.



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9. In such circumstances, this Court does not find any merits in this Civil Revision Petition. Accordingly, this Civil Revision Petition stands dismissed. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

14.02.2025

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

1. The Motor Accident Claims Tribunal,
Principal District Court,
Ramanathapuram.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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