



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty Fifth day of July Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE SUNDER MOHAN

C.M.P(MD).No.15841 of 2024

in

C.M.A.(MD).NO.1104 of 2017

1. R.Velammal

2. R.Rani

3. R.Rohini

... Petitioners/Respondents 1 to 3

Vs

1 M/s.United India Insurance Co Ltd.,
Through its Branch Manager,
No.52,South Masi Street,
Madurai.

... Ist Respondent/ Appellant

2 M.S.Peter,
IOC Colony, Vilangudi
Madurai-18

... 2nd Respondent/4th Respondent

Prayer in CMP(MD).No.15841 of 2024:-

Civil Miscellaneous Petition filed under Section 151 of Civil Procedure Code praying to rehear the appeal which was disposed on 18.09.2024 and permit the counsel to argue the above CMA.No.1104 of 2017.

Prayer in C.M.A.(MD).NO.1104 of 2017:-

Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act , against the judgement and decree dated .14.07.2017 passed in M.C.O.P.No. 1609 of 2008 on the file of the Motor Accidents Claims Tribunal /Sessions Court, Communal Clash Cases Court, Madurai.



ORDER:- This Civil Miscellaneous Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. R.Suresh, Advocate for the Petitioners and of Mr. N.Dilip Kumar for the 1st Respondent and none appeared for the second respondent, this Court made the following order:

This Civil Miscellaneous Petition has been filed mainly on the ground that the learned counsel for the petitioners was not heard before the final orders were passed.

2. It is seen from the order passed by this Court that there was no representation for the claimants/petitioners when the matter was called on 19.08.2024, 29.08.2024 and 09.09.2024. Hence, this Court proceeded to hear the appeal on merits and decided the same after considering the evidence on record and the submission of the learned counsel for the first respondent/appellant, passed an order on 18.09.2024 in C.M.A.(MD) No.1104 of 2017.

3. However, to avoid miscarriage of justice on account of not hearing the learned counsel for the petitioners/claimants, this Court heard the learned counsel for the petitioners/claimants.



4(a). The learned counsel for the petitioners/claimants vehemently submitted that P.W.2, an eye-witness to the occurrence, had mentioned the registration number of the vehicle as MTD 9319 in his complaint to the Police and the Police in order to help the second respondent/fourth respondent, had mentioned the vehicle number wrongly as TMD 1319 and thereafter filed a Final Report closing the case as a mistake of fact.

(b). The learned counsel further submitted that since the second respondent/fourth respondent had influenced the Police, no notice was sent to the petitioners/claimants and hence, they could not file a protest petition.

(c). The learned counsel further submitted that in the claim petition, though initially a wrong number was quoted, the correct registration number of the vehicle and the name of its owner, namely the second respondent/fourth respondent was stated subsequently and they had impleaded the Insurance company/first respondent/appellant also and that the petition was corrected on the information given by P.W.2 and hence his deposition ought to be believed as done by the tribunal.

5. This Court had considered all the above-said submissions in the Judgment
<https://www.mhc.tn.gov.in/judis>
dated 18.09.2024 in the above C.M.A. and in fact, had observed in paragraphs 12 and



14 that even if the report of the Police is ignored, the evidence of P.W.2 does not inspire confidence. If P.W.2 had correctly noted the registration number and stated the same before the Police, it is not known why the claim petition contained a wrong registration number initially.

6. Since all the above aspects have been considered, including the submissions now made by the learned counsel for the petitioners in the order dated 18.09.2024, this Court finds no reason to recall or review the earlier order passed in C.M.A.(MD) No.1104 of 2017 dated 18.09.2024. Accordingly, the petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

TO

THE JUDGE , MACT /SESSIONS COURT,
COMMUNAL CLASH CASES COURT, MADURAI.

Copy to:

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



WEB COPY



ORDER DATED : 25/07/2025

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ORDER

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C.M.P.(MD).No.15841 of 2024

in

C.M.A.(MD).NO.1104 of 2017

Giving direction and etc.
as stated within.

TS (20/08/2025) 5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17.07.2023.