
(2012) 11 MAD CK 0046

In the Madras High Court

Case No : C.R.P. (NPD) No. 3587 of 1999 and C.M.P. No. 20127 of 1999

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Ponraj and Others

RESPONDENT

Date of Decision : 29-11-2012

Acts Referred:

Constitution of India, 1950 — Article 227
Motor Vehicles Act, 1988 — Section 173(2)

Citation : (2013) 1 LW 770

Hon'ble Judges : T. Mathivanan, J

Bench : Single Bench

Advocate : N. Vijayaraghavan, for the Appellant;

Final Decision : Dismissed

Judgement

T. Mathivanan, J.—The memorandum of civil revision is directed against the Award dated 21.04,1999 and made in M.C.O.P. No. 125 of

1998, on the file of the learned Motor Accident Claims Tribunal/Additional District Judge-cum-Chief Judicial Magistrate, Villupuram. The revision

petitioner herein is the second respondent in the claim petition.

2. The first respondent herein seems to have filed the claim petition in M.C.O.P. No. 125 of 1998, on the file of the learned Motor Accident

Claims Tribunal/Additional District Judge-cum-Chief Judicial Magistrate, Villupuram, claiming a sum of Rs. 15,000/- for the injuries sustained by

him in a road traffic accident, which is said to have been taken place on 13.05.1991 involving two lorries viz., TCF 5355 belonging to the first

respondent therein and PYT 1221 belonging to the respondents 3, 5, 6 and 7 therein.

3. The lorry bearing registration No. TCF 5355 belonging to the first respondent

in the claim petition was said to have been insured with the revision petitioner at the relevant period.

4. On appreciation of the evidences both oral and documentary, the Tribunal has found that the drivers of both the lorries were responsible for the accident and therefore the respondents 1 and 2 on one part and the respondents 4 to 7 on the other part were directed to apportion the award amount of Rs. 6,000/- in the following manner:

The respondents 1 and 2 were directed to pay a sum of Rs. 3,000/- either jointly or severally to the first respondent and the respondents 4 to 7 were also directed to pay the remaining part of Rs. 3,000/- to the first respondent either jointly or severally.

5. Since the award amount is less than Rs. 10,000/-, as contemplated u/s 173(2) of the Motor Vehicles Act, 1988, no appeal shall lie. Therefore, this revision petition is preferred by the second respondent Insurance Company challenging the Order of the Tribunal, after invoking the supervisory power of this Court under Article 227 of the Constitution of India.

6. It is obvious to note here that neither the fourth respondent Insurance Company nor the other respondents viz. respondents 5 to 7 have preferred any revision.

7. When the revision petition came up for hearing, the learned counsel appearing for the revision petitioner was present. Despite the service of notice to R1/claimant, there is no representation on his behalf. Respondents 3 to 6 remained ex parte, Batta with petition in respect of R2 not paid.

However, the learned counsel appearing for the revision petitioner has submitted that the revision petition might be disposed of on merits.

8. This Court has perused the grounds of the memorandum of civil revision petition as well as the Award dated 21.04.1999 passed by the learned Motor Accident Claims Tribunal and other materials available on record.

9. Having given it's careful consideration, this Court finds that this revision petition is devoid of any merits and therefore liable to be dismissed.

Accordingly, this civil revision petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.