

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.**PRESENT: THIRU.N.S. JAYAPRAKASH., B.Sc., B.L.,****Chief Judicial Magistrate****Friday the 27th day of February 2026****I.A.NO.06/2026 in M.C.O.P. No.245/2021**

M/s.United Indian Insurance Co.Ltd,
Reb by its Branch Manager,
Karur.

....Petitioner/2nd Respondent

/Vs/

R.Sankar,
S/o.Rayar,
No.43, Puthurattukottai,
Jarikothampadi,
Kalapaganur,
Attur, Salem.

.... Respondent/ Petitioner

This original petition coming before me for final hearing in the presence of Thiru.P.Thangavel, learned counsel for the petitioner and Thiru. T.Madhan, learned counsel for the respondent and upon hearing the both side arguments and on perusal of entire materials placed before me, this Tribunal passed the following:-

ORDER

This petition was filed on behalf of the Petitioner under Order 16 Rule 1 and Section 151 of CPC seeking to examine a witness.

2. The gist of avernments made in the affidavit as follows:-

The Petitioner is the claimant in the main petition which was filed claiming compensation for the injuries sustained by him in a road accident. The main case was posted today for orders on 24.9.2024. The 1st respondent has not effectively contested the case and colluded with the petitioner. To examine the driver of the offending vehicle the case is to be reopened. Hence the petition.

3. The brief contention of the objections filed by the 2nd respondent is as follows:-

The petition is not maintainable either in law or on facts. It is a case for compensation filed by the petitioner for the injuries sustained by him in a road accident. While filing the case the owner of the vehicle responsible for the accident and its insurance company namely the petitioner herein were added as a party to the case. Both the respondents entered appearance and contesting the case hotly. The 1st respondent in the main petition filed detailed counter and hotly contesting the case as well as the 2nd respondent. Since the 1st respondent is a contesting party to the case the 2nd respondent namely the petitioner herein stopped by law to file a petition u/s.170 of the motor vehicle act. Since the 170 petition is not filed the petitioner herein cannot contest the case on behalf of the 1st respondent. Moreover after elaborate enquiry, the case was posted for arguments. The respondent herein has filed detailed written arguments before this court. Only after going through the written arguments the petitioner herein has come forward with this application. The petition is unnecessary and it is only a dragon tactics. The petitioner has not filed petition with clear hands and intention. Hence, the petition is liable to dismissed.

4. Both sides has not let in evidence and no documents marked.

5. The point to be decided is whether the petition to be allowed or not?

6(1) The main claim petition was filed by the petitioner stating that on 13.08.2020, he was proceeding at Velayuthampalayam to Punnamchathiram road in a Two wheeler bearing Reg.No.TN-29-AZ-5655 and a Car bearing Reg.No.TN-47-AB-

7778 came in rash and negligent manner and caused accident. The petitioner sustained injuries to accident was due to rash and negligent driving of the car driver.

6(2) The first respondent is the, owner of the Car. The second respondent is the insurer. Both have filed a counter and contested the case. After closing of both side evidence the main petition was posted for arguments. Whiles, the petitioner has come forward with this seeking permission to examine the driver of the car.

6(3) The petitioner has stated that the Car owner has been colluding with the claimant and not contesting the case in proper manner. Hence, the petitioner intend to examine the driver of the Car.

6(4) The respondent/Claimant has not stated any valid reason. No prejudice would be caused to the claimant by examining the driver of the car. Therefore, this petition deserves to be allowed.

7. In the result, this petition is allowed. No costs.

Dictated to Steno-Typist and directly typed by her in the computer and corrected and pronounced by me in the open Tribunal on this the **27th day of February 2026.**

**Chief Judicial Magistrate
Karur.**