

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

PRESENT: THIRU.N.S. JAYAPRAKASH., B.Sc., B.L.,

Chief Judicial Magistrate

Monday the 15th day of June 2026

I.A.No.03/2026 in M.C.O.P.No.108/2023

Selvaraj being

Represented by his Guradian

and Next Friend Wife Selvi

....Petitioner

//Vs//

1. K.K.Manikanan

2. Jaleel

3. The Oriental Insurance Company Limited,

Kunnakulam Kerala.

.... Respondents

ORDER

This petition was filed by the Petitioner/claimant under order 6 Rule 17 and Section 151 of CPC to dismiss the petition with the costs of the 3rd respondent.

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

The petitioner is the Guardian and wife of claimant in the main petition. The claimant by name Selvaraj filed this petition seeking compensation for the injuries sustained in the accident on 01.12.2022. At the time of filing the claim petition, the claimant was conscious. But, subsequently he lost conscious. An application in IA.No.2/26 was filed and allowed to nominate the petitioner as the Guardian. In order to amend the petition, this petition was filed with details of amendment. Hence the petition.

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

The petition is not maintainable either in law or on facts. The petitioner is put to strict proof of all those averments stated in the affidavit, except those that are specifically admitted or traversed. The petition is liable to be dismissed for the sole

reason of non production of necessary documents to prove the illness of the injured Selvaraj. It is untenable and false to state that the injured petitioner has lost his consciousness, unable to speak and unable to attend to the court owing to his illness. It at all, the injured petitioner is suffering from such illness, the petitioner ought to produced necessary medical records to show his present condition and the loss of consciousness. It is presumed that the petitioner has come forward with the petition without any basis and without any medical records. Hence this petition is liable to be dismissed.

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

5. Based on the above submissions, the point for determination is whether this petition could be allowed or not?

6.Point:-

Heard both sides. Records perused. The main petition was filed claiming compensation for the injuries sustained by the claimant in the road accident on 1.12.2022. The petitioner has filed an application seeking her to permit to act as Guardian of her husband and the same was allowed in IA.No.2/2026. This petition was filed to amend the petition. This petition is only a consequential amendment. No prejudice would be caused to the respondent.

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

Dictated to Steno-Typist and transcribed and typed by her in computer and after making necessary corrections, pronounced by me in open court on this the **15th day of June 2026.**

**Chief Judicial Magistrate
Karur.**