

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

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

Chief Judicial Magistrate

Tuesday the 28th day of July 2026

I.A.No.01/2024 in M.C.O.P.No.203/2017

P.Manickam, Age 72 years,

S/o.Ponnusamy Pillai,

Ponnipatti,

Sakkampatti,

Anaipatti,

Vedasandur Taluk,

Dindigul District.

....Petitioner

//Vs//

1.K.Ganesh,

S/o.Kaliyaperumal,

No.2/143, Thaneerpalli Sardar Street,

Rajendran, Kulithalai Taluk,

Karur District.

2. The Branch Manager,

The New India Assurance Company Limited,

No.47, 1st floor,

S.M.R.Complex,

Trichy main road,

Puliyur,

Karur District.

.... Respondents

ORDER

This petition was filed on behalf of the Petitioner Under Order 9, Rule 9 of C.P.C.

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

The Petitioner is the claimant in the main petition. The claim petition was filed seeking compensation for the injury sustained in the road accident on 29.01.2017. On 06.06.2024, the main petition was posted for paying batta for the 1st respondent. Since the petitioner was fallen ill, (Viral Fever) he could not attend the court and also not able to instruct his counsel. The main petition was dismissed for default on 06.06.2024. Due to the reason stated above, the petitioner could not instruct his Advocate. Hence, this petition to restore the main petition which was dismissed for default on 06.06.2024.

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. The driver of the 1st respondent vehicle bearing Registration No.TN-32-AC-4285 had no driving license, permit and fitness certificate at the time of accident on 29.1.2017. The place, date, time and narration of occurrence of alleged accident mention of the petition as false. The allegations in the column 23 of the petition as false. The allegations that on 29.01.2017 at about 6.00 p.m., petitioner was walking from south to north, near Thangam Thirumana Mandapam palayam at Palayam to Karur main road on his left side of the road carefully road traffic rules and regulations, the offending Mahindra

Vertio Car bearing Registration No.TN-32-AC-4285 driven the driver in a rash and negligent manner, without following any basic rudiments of traffic rules and without blowing horn and dashed behind the petitioner. Due to the impact the petitioner was thrown away and sustained severe injuries all over the body are all false and denied. The petitioner suddenly crossed the road and caused the accident. The petitioner alone was solely responsible for the accident. The age, occupation and monthly income of the petition as false. The manner of accident stated in the petition is false. The details of injuries, period of treatment, Medical expenditure and disability mentioned in the petition are false. The avocation of the petitioner stated in the petition and the income are false. Hence, the 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?

5(1) Heard both sides. Records perused. The main petition was filed seeking compensation for the injury sustained by the petitioner in the road accident occurred on 29.01.2017. On 06.06.2024, the main case was posted for the 1st respondent. Since the petitioner was ill-health, (Viral Fever) he could not attend the court and also not able to instruct his counsel. The main petition was dismissed for default on 06.06.2024.

5(2) The respondent denied the averments of the petitioner. The petitioner has stated that he was suffering due to illness. But, the petitioner has not adduced evidence and marked any document to establish the said contention. The claim petition has been filed seeking compensation for the injuries. The court is duty bound to give fair opportunity to the parties concerned to contest their case. The Motor Vehicle Act is a welfare legislation beneficial for the victims of road traffic accident. In this case, it is fair on the part of the court to give opportunity to the claimant instead of hanging on technicalities. In the interest of justice, this court is of considered view to allow this petition. But, the petitioner cannot claim interest on the compensation if awarded for the period of dismissal.

6. In the result this petition is allowed and the petitioner is not entitled to claim interest on the compensation if awarded for the period of dismissal.

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 **28th day of July 2026.**

**Chief Judicial Magistrate
Karur.**