

BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KARUR.

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

Chief Judicial Magistrate

Thursday the 26th day of February 2026

I.A.NO.06/2025 in M.C.O.P. No.670/2021

S.Veluprabakaran, Age 20 years,
S/o.Sekar,
SC Street, Pallapalayam,
Karur.

....Petitioner/Petitioner

/Vs/

1. S.Latha,
W/o.Sekar,
SC Steet, Pallapalayam,
Karur.

2. The Branch Manager,
The New India Assurance Co-Ltd,
K.V.R.Complex,
3rd floor, 80 feet road,
Sengunthapuram, Karur

.... Respondents/ Respondents

This original petition coming before me for final hearing in the presence of Thiru.T.Madhan, learned counsel for the petitioner and Thiru.P.Premkumar, learned counsel for the 1st respondent and of Thiru.P.Ramani, learned counsel for the 2nd 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 Section 151 of CPC to reopen the case for the purpose of Amendment.

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 clarification. The petitioner counsel discussing the case. On such discussion traced out that the section mentioned for the main petition was wrong one. In fact the factual averments stated in the case that, the petitioner was traveling in a two wheeler as a pillion rider bearing Reg.No.TN-47-BY-6505. The two wheeler was driven by one Anbarasu in a rash and negligent manner and consequent to the same the driver of the two wheeler invented the accident. At the time of filing the case, the averments were made according to section 166 of Motor Vehicle Act. But, the provision has been mistakenly mentioned as 163-A of Motor Vehicle Act. The same has been to be amended, or else, the petitioner was to be put create hardship. 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. At the outset, the petition is highly belated and the petition is not maintainable and liable to be dismissed at the threshold without going to the merits of the case. It is untenable and false to state that at the time of filing the case the averments stated were correctly and the rash and negligence was also fixed correctly. It is highly false to allege that the Section of the Law is mentioned as Section 163-A instead of Section 166 of the Motor Vehicle Act. It is submitted that the petitioner has knowingly and willfully and after knowing the consequence of the Provisions of law has mentioned the Section as 163-A of Motor Vehicles Act. The petitioner has come forward with this petition after the completion of the oral and documentary evidence on both sides with the

presumption that their case may be defeated. The petitioner has not stated any justifiable reasons for allowing the petition. The petition is allowed, the proposed amendment definitely alter the very nature and character of the case. The petitioner has lead evidence in consonance with the averments made in the petition and for the Section 163-A invoked by him in the petition. The petitioner to know that his case is slipping his hands, in order to fill up the lacunae has come with this petition at the very belated stage. The petitioner has adduced his arguments and the 2nd respondent also adduced his arguments and filed written argument as well. The petitioner obvious that the 2nd respondent has appeared through their counsel on 10.02.2022, filed counter on 04.01.2023 and the case was posted for enquiry right from 20.01.2023. The petitioner come forward to proceed with the case only on 04.06.2024 and the evidence of both sides was ended on 29.07.2024. The petitioner has taken more than 15 months to proceed with the case. Thereafter, even after the case was reserved for orders, the petitioner has come forward with this petition at the fag end of the case. The petitioner has purposely dillydallying in conducting the case and due to their belated act the 2nd respondent is burdened with the load of paying interest for more than two years. Therefore, there are no merits in this petition and the petition deserves dismissal. This court comes to the conclusion that the petition is to be allowed, the petition may allowed with the direction that the petitioner is not entitled to claim interest from 20.01.2023 till the date of pronouncement of orders by this court. 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 10.09.2021, he was proceeding at Chinnadharapuram to Karur main road in a Two wheeler. The petitioner was seated in the pillion and the vehicle was driven by one by name Anbarasu. The said Anbarasu drove the vehicle 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, owner of the Two wheeler. The second respondent, the insurer, 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 petition to reopen the case.

6(3) The petitioner has stated that the claim petition averments were made only according to section 166 Motor Vehicle Act and the provision is wrongly mentioned as 163-A Motor Vehicle Act. On perusal of the averments made in the main petition and the evidence of PW1, it could be discerned that the petitioner has contended only the averments that is excepted to be made under section 166 Motor Vehicle Act. The only difference is the provision wrongly mentioned as 163-A. It is apposite to mention that section 166 Motor Vehicle Act cannot be converted in to section 163-A but vice-versa could be made. It means, section 163-A Motor Vehicle Act can be

converted in to section 166. No prejudice would be cost to be respondent. Further, Motor Vehicle Act being a welfare legislation, this court is very much concerned about the welfare of the petitioner. The petitioner shall be given fair opportunity till the he make all efforts to put forth this case. 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 **26th day of February 2026.**

**Chief Judicial Magistrate
Karur.**