



C.M.P.No.29232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2026

CORAM:

THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

C.M.P.No.29232 of 2025
in C.M.A.No.808 of 2025

P.Sampath

... Petitioner

Vs.

1. G.Sithaiyan

2. Iffco Tokiyo General Insurance Co. Ltd.,
Tulasi Chambers, III Floor,
195, T.V.Swami Road (West),
R.S.Puram, Coimbatore – 641 002.

... Respondents

PRAYER: Civil Miscellaneous Petition is filed under Order I Rule 10(2) of the Civil Procedure Code, to implead the proposed 2nd respondent herein viz., Iffco Tokiyo General Insurance Co. Ltd. as the 2nd respondent in the civil miscellaneous appeal.

For Petitioner : Mr.D.Shivakumaran

For Respondents : Mr.N.Selvaraj for R1
Ms.Sree Vidhya for R2

ORDER

This Civil Miscellaneous Petition has been filed seeking to implead the Iffco Tokiyo General Insurance Co. Ltd. as the second respondent in the appeal.



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2. Heard Mr.D.Shivakumaran, learned counsel for petitioner, Mr.N.Selvaraj, learned counsel for the first respondent/claimant and Ms.Sree Vidhya, learned counsel for the proposed second respondent.

3. The implead petition has been filed on the ground that on the date of the accident, the offending vehicle was covered under a valid insurance policy.

4. A counter affidavit has been filed by the proposed respondent and the relevant paragraphs are extracted hereunder:

“3. I submit that this company had issued a Two Wheeler Policy bearing Policy No. 72963068 in respect of the vehicle TN 52 Y 3609 for the period 19.04.2010 to 18.04.2011 only. The said policy expired on 18.04.2011, more than three years prior to the date of the accident, namely 05.10.2014. As on the date of the accident, there was no valid or subsisting insurance policy issued by this company covering the vehicle TN 52 Y 3609.

4. I submit that the Appellant now seeks to rely upon a document described as insurance details showing Policy/Covernote No. 44224 in the name of the vehicle TN 52 Y 3609, purportedly valid from 19.04.2014 to 18.04.2015, and claims the same to have been issued by this company. This is entirely false and incorrect.



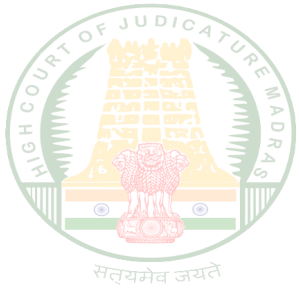
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5. *On verification of the records of this company, the said covernote/policy number 44224 is not found in the system of this company and no such cover note or policy has been issued by Iffco Tokio General Insurance Co. Ltd. In respect of the vehicle TN 52 Y 3609 for the period 19.04.2014 to 18.04.2015 for any period covering the date of accident 05.10.2014.*

6. *I submit that the entry of insurance details in the RC extract/registered vehicle details cannot by itself fasten liability upon this company, when in fact no such policy or covernote was ever issued by this company. The document sought to be produced as additional evidence (Ex.R6) bearing covernote No. 44224 does not originate from this company and this company is not bound by the same.”*

5. This Court has carefully considered the materials available on record and went through the award passed by the Tribunal.

6. In the case in hand, it is quite clear that the so-called cover note/policy relied upon by the petitioner is not even available with the insurance company and no such cover note/policy has been issued by the insurance company.



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7. In view of the same, it can be safely concluded that the policy had expired as early as on 18.04.2011 and on the date of the accident ie., on 05.10.2014, there was no valid or subsisting insurance policy issued by the proposed respondent.

8. In view of the above, there is no ground to implead the proposed respondent in the appeal. Accordingly, this Civil Miscellaneous Petition stands dismissed.

10.07.2026

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To

1. The Subordinate Judge,
Motor Accidents Claims Tribunal,
Omalur.
2. The Section Officer,
VR Section,
High Court of Madras.



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N. ANAND VENKATESH, J.

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***10.07.2026
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