

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2015

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THE HON'BLE Mr. JUSTICE **D.HARIPARANTHAMAN**

C.R.P.(PD) No.3563 of 2015

and

M.P.No.1 of 2015

The Manager,
Oriental Insurance Company Limited,
3rd Party HUB, Oriental House 2nd floor,216,
Prakasam Salai, Chennai-108.

..Petitioner

/vs/

1.T.M.Subadra
2.T.Munirathinam
3.R.V.Dillibabu
4.Karuna Kumar
5.Shriram General Insurance Co.
Thirumalaipillai Road,
T.Nagar, Chennai-17.

..Respondents

Civil Revision Petition is filed under Article 227 of the Constitution of India against the decree and judgment dated 9th day of June 2015, made in I.A.No.782 of 2014 in M.C.O.P.No.25 of 2012 on the file of the Motor Accident Claims Tribunal(Sub Court), Tiruttani.

For Petitioner :S.Manohar

For Respondents :Mr.S.Udayakumar

ORDER

The revision petitioner is the second respondent in M.C.O.P.No.25 of 2012 on the file of the Subordinate Judge, Tiruttani. The claimants in M.C.O.P.No.25 of 2012 are the parents of the deceased viz.,

T.Lakshminaryanan, who travelled as pillion rider in a motorcycle, which was insured with the revision petitioner/Insurance Company.

2. According to the claimants, the accident occurred on 19.10.2011 due to rash and negligent driving of the person, who drove the motorcycle, which was insured with the revision petitioner/Insurance Company and their son travelled as pillion rider in the above said two wheeler. According to the claimants, though the two wheeler, in which their son travelled was involved in the accident with another two wheeler, the another two wheeler is not at all at fault. Hence, the claimants did not make the owner as well as the Insurance company of that vehicle as parties. But, the revision petitioner/Insurance Company had filed an application in I.A.No.782 of 2014 in M.C.O.P.No.25 of 2012 to implead the real fault owner as well as the Insurance company of the another two wheeler, which was involved in the accident. The Subordinate Judge (Motor Accident Claims Tribunal), Tiruttani has passed an order dated 09.06.2015 dismissing I.A.No.782 of 2014 in M.C.O.P.No.25 of 2012. This revision petition is filed as against the aforesaid order.

3. Heard the learned counsel appearing for the petitioner/Insurance Company and the learned counsel appearing for the

respondents.

4. When the claimants have chosen to proceed against the revision petitioner/Insurance company, the revision petitioner/Insurance company could not object for the same. The revision petitioner/Insurance Company could set up the defence that the vehicle, which was insured with them, was not at all at fault. It is for the claimants to establish their case. But, the claimants have chosen to make only the vehicle owner in which the deceased travelled as the pillion rider as well as the revision petitioner as parties. I do not find any infirmity in the order passed by the lower Court. This could not hamper the defence of the revision petitioner/Insurance Company. Hence, I am not inclined to interfere with the order of the trial Court. Hence, this revision petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

29.09.2015

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D.HARIPARANTHAMAN, J.
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To
The Subordinate Judge,
(Motor Accident Claims Tribunal),
Tiruttani.

C.R.P.PD No.3563 of 2015

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