

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P.(PD) Nos.3989 & 3900 of 2015

1. K.Rajendiran
2. Krithika ... Petitioners in C.R.P.No.3989/2015
- Krithika ... Petitioner in C.R.P.No.3990/2015

vs.

1. The General Insurance Corporation of India,
rep. by its Assistant General Manager,
2nd Floor, South India Co-operative Building,
No.38, Anna Salai, Chennai.
2. The District Collector,
Villupuram.
3. The Superintendent of Police,
Villupuram.
4. The Regional Transport Officer,
Villupuram.
5. The Motor Vehicle Inspector,
Villupuram.
6. Murugan
7. M/s.Hinduja Layland Finance Ltd.,
rep. By its Manager,
Villupuram.
8. Rajarathinam
9. United India Insurance Co. Ltd.,
Villupuram. ... Respondents in both C.R.Ps.

Civil Revision Petitions filed under Article 227 of Constitution of India, seeking to set aside the fair and decreetal orders dated 06.06.2015 made in unnumbered M.C.O.Ps. Of 2015 on the file of the Principal District Judge, Villupuram.

For Petitioners in both C.R.Ps. : Mr.C.Munusamy

COMMON ORDER

The petitioners have come up with the present Civil Revision Petitions praying to set aside the orders dated 06.06.2015 made in two unnumbered M.C.O.Ps. of 2015 on the file of the Principal District Judge, Villupuram.

2. Since the issue involved in both the Petitions is one and the same, both Revision Petitions are taken up for disposal by a common order.

3. In both the cases, the cause of action is the same arising out of an accident which took place on 02.09.2013, about 1.20 p.m. near Kamban Nagar Bus Stop. According to the petitioners, the accident occurred due to the rash and negligent driving of the driver of an Auto, bearing Registration No.TN-32-AB-0857, when one Krithika, aged 20 years and her mother, Rani, aged 44 years, were waiting on the road side to board a Bus. Due to the said accident, the said Krithika sustained severe injuries all over her body and her mother succumbed to injuries on the way to

Government Hospital at Mundiampakkam. The injured Krithika has filed a separate claim petition seeking compensation for her injuries and she along with her father, Rajendiran have filed another claim petition seeking compensation for the death of her mother, Rani.

4. A perusal of the order dated 06.06.2015 passed by the Trial Court would show that the petitioners/claimants have impleaded parties who are not connected with the accident. Neither they are necessary parties nor they are proper parties for adjudication. The Trial Court, holding that the claim petition can be filed only as against the owner and insurer of the vehicle, dismissed the claim applications, as they are unsustainable against other respondents.

5. It is seen that out of nine respondents, respondents 2, 3, 4 and 5 are Public Servants. Though the Driver of the vehicle is solely responsible for the accident, the Owner and the Insurance Company, with which the alleged vehicle is insured, are alone jointly and severally liable to compensate the claimants. In the case on hand, two Insurance Companies are arrayed as respondents. The claimant has not clearly mentioned the name of the Insurance Company, with which the alleged vehicle is insured. Further, a glance at Serial No.16 of the Claim Petition would show that the

alleged vehicle was insured with the 9th respondent/United India Insurance Company, Villupuram for the period from 08.08.2012 to 07.08.2013 and subsequently renewed from 08.10.2013 to 07.10.2014. It is pertinent to note that the accident occurred on 02.09.2013. Thus, it is clear that on the date of accident, the alleged vehicle was not insured with the 9th respondent. The insurance was renewed only after a month, from the date of accident.

6. Therefore, the question of impleading the 9th respondent/Insurance Company does not arise when the vehicle involved in the accident is not covered under insurance with the said Company at the time of accident. Hence, the Trial Court has rightly rejected the claim applications of the petitioners/claimants.

7. In such circumstances, I do not find any reason to interfere with the finding rendered by the Trial Court. **Accordingly, these Civil Revision Petitions are dismissed.** However, it is open to the petitioners to file a fresh application claiming compensation, after impleading proper and necessary parties for adjudication. No costs.

20.01.2016

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Index : Yes/No
Internet : Yes/No

To :

The Principal District Judge,
Villupuram.

R.MALA,J.

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