

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.1194 of 2011
& M.P.No.1 of 2011

United India Insurance Co. Ltd.,
No.66, Greams Road,
Chennai.

.. Petitioner

Vs.

1. S.Radha
2. S.Naveen Kumar

.. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the fair and decretal order dated 24.09.2010, made in I.A.No.609 of 2010 in M.C.O.P.No.733 of 2008, on the file of the Motor Accident Claims Tribunal, Additional District Judge, (FTC), Poonamalle.

For Petitioner : Mr.S.Arun Kumar
For R1 : No appearance
For R2 : Not ready in notice

ORDER

This Civil Revision Petition is filed against the fair and decretal order dated 24.09.2010, made in I.A.No.609 of 2010 in

M.C.O.P.No.733 of 2008, on the file of the Motor Accident Claims Tribunal, Additional District Judge, (FTC), Poonamalle.

2. The petitioner is the second respondent, first respondent is the claimant and second respondent is the first respondent in M.C.O.P.No.733 of 2008, on the file of the Motor Accident Claims Tribunal, Additional District Judge, (FTC), Poonamalle. Originally the first respondent filed the said M.C.O.P. against the petitioner and the second respondent, claiming a sum of Rs.5,00,000/- as compensation for the injuries suffered in the accident that occurred on 19.10.2008 at about 8.30 P.M. After conclusion of the trial, when the claim petition was posted for arguments, the first respondent filed I.A.No.609/2010 for impleading owner of the Scooty bearing Reg.No.TN-09-AH-4061, in which the first respondent travelled and involved in the accident and Insurer of the said vehicle as the third and fourth respondent in the claim petition.

3. The petitioner, Insurer of the said vehicle, opposed the said application by filing counter affidavit. The learned Judge, allowed the application.

4. Against the said order dated 24.09.2010, made in I.A.No.609 of 2010 in M.C.O.P.No.733 of 2008, the present civil revision petition is filed by the petitioner.

5. The learned counsel appearing for the petitioner raised various contentions for setting aside the order of the Tribunal. The main contention of the petitioner is that, without impleading the owner of the Scooty bearing Reg.No.TN-09-AH-4061, as well as the insurer of the said vehicle and without ordering notice, the Tribunal impleaded them as a party in the M.C.O.P.No.733 of 2009. This contention has considerable force. The Tribunal having committed an error in impleading the proposed parties, failed to see that proposed parties were not made as parties in I.A.No.609 of 2010 and without ordering notice to the proposed parties, impleaded them in the M.C.O.P.No.733 of 2009.

6. In view of the above facts, the order dated 24.09.2010, made in I.A.No.609 of 2010 is set aside and the matter is remitted back to the Tribunal. It is open to the first respondent to implead the owner of the Scooty bearing Reg.No.TN-09-AH-4061 and its insurer, after making them as party to the application. If such an

V.M.VELUMANI, J.

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application is filed, the Tribunal is directed to consider the same on merits and pass order in accordance with law, after issuing notice to all the parties.

7. In the result, this Civil Revision Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23.08.2017

Index : Yes

vv/gsa

To

1. The Motor Accident Claims Tribunal,
Additional District Judge, (FTC),
Poonamalle
2. The Section Officer,
Vernacular Section,
High Court, Madras.

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