

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2017

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P.(PD)No.4862 of 2014
& M.P.No.1 of 2014

J.Raveendran

.. Petitioner

Vs.

1.Mohammed Hussain

2.S.Maragadam

3.N.Jahabar Sathick

.. Respondents

(Cause title accepted vide order
of Court dated 11.12.2014
made in M.P.No.1 of 2014 in
C.R.P.No.SR100915 of 2014)

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the order dated 12.06.2014 passed by the Motor Accidents Claims Tribunal (District Judge) at Karaikal in I.A.No.465 of 2013 in M.A.C.T.O.P.No.10 of 2012.

For Petitioner : Mr.U.M.Ravichandran

For R1 : Mr.M.M.Abdul Razack

For R2 : Mr.JRK.Bhavanantham

For R3 : Not ready in notice

ORDER

This Civil Revision Petition is filed to set aside the order dated 12.06.2014 passed by the Motor Accidents Claims Tribunal (District Judge) at Karaikal in I.A.No.465 of 2013 in M.A.C.T.O.P.No.10 of 2012.

2.The petitioner is impleaded as third respondent, first respondent is the second respondent, second respondent is the petitioner and third respondent is the first respondent in M.A.C.T.O.P No.10 of 2012 on the file of the Motor Accidents Claims Tribunal (District Judge) at Karaikal. The second respondent filed the said claim petition, claiming a sum of Rs.5,00,000/- against the respondents 1 and 3 for the injuries sustained in the accident that took place on 18.06.2011. The first respondent sent a notice to the petitioner through his counsel contending that he had already sold the vehicle to the petitioner and he is not the owner of the vehicle on the date of accident. The petitioner through his counsel sent a reply notice denying all the allegations made in the notice sent by the first respondent. The first respondent filed I.A.No.465 of 2013 under Order I Rule 10(2) read with Section 151 C.P.C to implead the

petitioner / subsequent purchaser of the vehicle as the third respondent in the M.A.C.T.O.P.

3.The petitioner filed counter affidavit and denied that he is owner of the vehicle as he has not purchased the vehicle from the first respondent.

4.The learned Judge, considering the averments in the affidavit and counter affidavit, allowed the application and ordered to implead the petitioner as third respondent in the M.A.C.T.O.P.

5.Against the said order dated 12.06.2014 made in I.A.No.465 of 2013 in M.A.C.T.O.P.No.10 of 2012, the present Civil Revision Petition is filed by the petitioner.

6.Heard the learned counsel for the petitioner as well as the respondents 1 and 2 and perused the materials available on record.

7.From the typed set of papers filed in the present Civil Revision Petition, it is seen that the first respondent issued notice dated 30.11.2012 to the petitioner through his Advocate, stating

that he has sold the vehicle on 30.03.2010 and handed over all the papers duly signed for transfer of ownership of the vehicle. The petitioner sent reply dated Nil, contending that he approached the first respondent for purchase of the vehicle and paid entire sale consideration, but did not take the possession of the vehicle. In view of this statement of the petitioner that he has paid entire sale consideration for the vehicle, there is no irregularity or illegality in the order dated 12.06.2014, passed by the Motor Accidents Claims Tribunal (District Judge), Karaikal warranting interference by this Court. It is open to the petitioner to raise all the objections before the Tribunal in the M.A.C.T.O.P.

8.In the result, this Civil Revision Petition is dismissed. However, there is no order as to costs. Consequently, connected Miscellaneous Petition is closed.

12.12.2017

Index: Yes/No

gsa

To

The Motor Accidents Claims Tribunal
(District Judge),
Karaikal

V.M.VELUMANI,J.

gsa

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& M.P.No.1 of 2014

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