



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2017

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.R.P(PD) (MD)No.1617 of 2016andC.M.P(MD)No.7892 of 2016

The Divisional Manager,
The Oriental Insurance Company Ltd.,
Office at 3rd Floor, North Veli Street,
Madurai-1.

... Petitioner

versus

1.M.Vinodh Raj
2.The Secretary,
Maduraiyil Thirumangalam,
P.K.N. Matriculation School,
Pasumalai,
Madurai.

.. Respondents

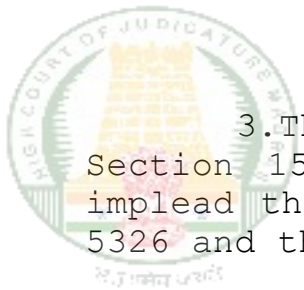
PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 13.04.2016 passed in I.A.No.95/2016 in M.C.O.P.No.915/2014, on the file of the Motor Accidents Claims Tribunal cum Special Sub Judge, Madurai.

For Petitioner	: Mr.K.Bhaskaran
For R1	: No Appearance
For R2	: Mr.S.Subbiah

ORDER

I.A.No.95/2016 in M.C.O.P.No.915/2014 was filed to implead the owner and the insurance company of the vehicle which was involved in the road accident.

2.According to the revision petitioner, the Van bearing registration No.TN-58-E-8309 collided with Yamaha Motor Cycle bearing registration No.TN-58-L-5326 driven by the claim petitioner. Though law requires both the vehicle owner and the insurer of those vehicles to be impleaded as parties to the claim petition, the claim petitioner failed to implead the owner of the two wheeler which he was driving and also did not implead the insurer of the two wheeler under which the two-wheeler is insured.



3. Therefore, application under Order 1, Rule 10(2) and Section 151 CPC, has been filed by the revision petitioner to implead the owner of the vehicle bearing registration No. TN-58-L-5326 and the insurance company of the motor cycle.

4. Unfortunately, while filing this application neither the owner of the said vehicle nor the insurance company were shown as proposed parties.

5. The Motor Accidents Claims Tribunal, after considering the application has come to the conclusion that neither the insurance company nor the owner of the two-wheeler are necessary parties to the claim petition which is per se erroneous. However, since the proposed parties are not arrayed as respondents in the application, the dismissal of the application cannot be interfered.

6. Therefore, liberty is given to the revision petitioner to get the details of the vehicle owner and the insurance company, if any, from the claim petitioner himself, by resorting to the provisions under Order 11 CPC or through its own source and file a fresh impleading petition with details of the proposed parties. If such application is filed, the Tribunal is directed to consider it on merits and pass appropriate orders in the light of the judgment passed by the High Court in CRP(MD)No.2280/14 dated 31.07.2015 (The Royal Sundaram Alliance Insurance Co.Ltd., vs. T.N.Rekha and five others)

The Civil Revision Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Judge,
Motor Accidents Claims Tribunal cum Special Sub Judge,
Madurai.

+1CC to M/S.K.Bhaskaran, Advocate, SR.No. 16774
+1CC to M/S.G.Aravinthan, Advocate, SR.No. 16543

C.R.P (PD) (MD) No.1617 of 2016
21.03.2017