



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2018

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. (MD) No.940 of 2018

WEB COPY

1.Rengabai
2.Thangaraj...Petitioners/Respondents 1&2/
Respondents 1&2

Vs.

1. The New India Assurance Co. Ltd.,
Through its Branch Manager,
Office at Trivandrum....1st Respondent/ Petitioner/
2nd Respondent2. K.S.R.T.C. Fort,
Through its Managing Director,
Office at Trivanathapuram,
Kerala....2nd Respondent/3rd Respondent/
1st Respondent

3.Suji

...3rd Respondent/4th Respondent/
3rd Respondent

4.Suresh

5. The Oriental Insurance Co. Ltd.,
Divisional Office,
1st D.D.J. Centre,
Opp. to Vadasery Bus stand,
Vadasery, Nagercoil,
Through its Manager.... Respondents 4&5/Proposed
Parties

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India to call for the records relating to the fair and decretal order dated 29.11.2017 made in I.A.No.455 of 2017 in M.C.O.P.No.1345 of 2014 on the file of Motor Accident Claims Tribunal (Special Sub Court) Tirunelveli and to set aside the same.

For Petitioners : Mr.V.Sasikumar
For Respondents : No appearance

ORDER

This civil revision petition has been filed challenging the order passed by the Motor Accidents Claims Tribunal (Special Sub Court), Tirunelveli, in I.A.No.455 of 2017 in M.C.O.P.No.1345 of 2014, dated 29.11.2017, in and by which, the Tribunal has allowed the interlocutory application filed by the 1st respondent / insurance company for impleading the original owner of the two wheeler in question.



2. I have heard the learned Counsel appearing for the petitioners.

3. The only ground emphasized by the learned Counsel for the petitioners is that the FIR was registered only against the bus and therefore, impleadment of the owners of the two wheeler is not necessary in this case.

4. But, it is my absolute view that when the rider of a motorcycle, which belongs to some other person, died due to an accident, then the Courts should implead the original owners of the motorcycle automatically and proceed with the case. Whereas, in the present case on hand, the 1st respondent / insurance company themselves has filed an application to implead the original owners of the two wheeler and the same was rightly allowed by the Tribunal, which does not warrant any interference at the hands of this Court.

5. Therefore, this civil revision petition is liable to be dismissed and the same is accordingly, dismissed. The order passed by the Motor Accidents Claims Tribunal (Special Sub Court), Tirunelveli, in I.A.No.455 of 2017 in M.C.O.P.No.1345 of 2014, dated 29.11.2017 stands confirmed. No costs.

Sd/-
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

The Special Sub Judge,
Motor Accidents Claims Tribunal,
Tirunelveli.

+1cc to Mr.V.Sasikumar, Advocate in SR. No.68537

gk

MK/SB/SAR 4/03.07.2018/2P/3C

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