



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

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THE HONOURABLE Mr.JUSTICE KRISHNAN RAMASAMY

C.R.P. (MD) No.1600 of 2019

1.Chandra
2.Dineshwaran
3.Mohana Priya
4.Shanmugavel

... Petitioners 1 to 4/Respondents 1 to 4/
Petitioners 1 to 4

Vs.

1.Arnganathan ... 1st Respondent/Petitioner/2nd Respondent
2.Ashok Sirumani ... 2nd Respondent/5th Respondent/1st Respondent
3.Soosai Manickam ... 3rd Respondent/6th Respondent/
Proposed 3rd Respondent

Prayer: The petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 02.08.2019 passed in I.A.No.1 of 2019 in M.C.O.P.No.16 of 2018 by the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Dindigul.

For Petitioners : Mr.A.Saravanan

ORDER

This Civil Revision petition has been filed to set aside the order dated 02.08.2019 passed in I.A.No.1 of 2019 in M.C.O.P.No.16 of 2018 by the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Dindigul.

2.The revision petitioners are the claimants and the 2nd respondent is the registered owner of the vehicle. The first respondent herein has filed the application in I.A.No.1 of 2019 to implead the third respondent since the first respondent already sold the vehicle to the third respondent. After considering the arguments made on either side, the Court below allowed the said application filed by the first respondent for impleading the third respondent.

3.The learned counsel for the revision petitioners would contend that claim can be made only against the registered owner of the vehicle and though the first respondent has sold the vehicle to the third respondent, the registration certificate stands in the name of the first respondent. Therefore, it is well settled law



that only the registered owner of the vehicle is liable to pay compensation and the third respondent is no way responsible for the same.

4. Heard the learned counsel appearing for the petitioners.

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5. The Court below allowed the I.A.No.1 of 2019 to implead the third respondent herein as sixth respondent in M.C.O.P.No.16 of 2018. Though the vehicle is in the name of the first respondent as per the RC book, he has sold the vehicle to the third respondent. Therefore, he filed the above I.A.No.1 of 2019 to implead the third respondent, since at the time of accident, according to the first respondent, the ownership was changed to the third respondent. Under these circumstances only the Court below allowed the application to implead the third respondent as sixth respondent in the MCOP.

6. This Court also perused the order passed by the Court below and does not find any infirmity in the order passed by the Court. Further, it is settled proposition of law that as long as the name transfer is not effected from the original owner to the present owner, the original owner is liable for the accident in the capacity as owner of the vehicle, even though he has sold the vehicle to the third parties.

7. When such being the case, there is no impediment in allowing the above application by the Court below and therefore, this Court upheld the order passed by the Court below. Hence, this Civil Revision Petition is liable to be dismissed.

8. Accordingly, this Civil Revision Petition is dismissed. However, this Court directs the Motor Accident Claims Tribunal (Chief Judicial Magistrate), Dindigul to dispose of M.C.O.P.No.16 of 2019 within a period of five months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To
The Motor Accident Claims Tribunal (Chief Judicial Magistrate),
Dindigul.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-87042[F] dated 17/09/2019)

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