

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Civil Revision Petition Nos.714 and 624 of 2019

COMMON ORDER :

In these two Revisions petitioners have assailed orders passed by the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, Kothagudem in I.A.No.707 of 2018 in M.V.O.P.No.322 of 2013 and I.A.No.620 of 2018 in M.V.O.P.No.328 of 2013, both dt.29.10.2018.

2. Admittedly, one M. Kumara Swamy and his wife Smt. M. Laxmi Sujatha, who are husband and wife respectively, are said to have died in a motor vehicle accident which occurred on 26.11.2012 at 01:30 hours on R & B road at the outskirts of Aremoula (Village) within the jurisdiction of Khammam Rural P.S.

3. The above O.P.s have been filed by the father and mother of Late M. Kumara Swamy seeking compensation from the 7th respondent-Insurance Company and others.

4. While the above O.P.s were pending, the 2nd respondent herein who is admittedly the mother of the deceased Smt.M. Lakshmi Sujatha, filed I.A.No.707 of 2018 in M.V.O.P.No.322 of 2013 and I.A.No.620 of 2018 in M.V.O.P.No.328 of 2013 seeking impleadment of herself and 1st respondent (child aged about 6 years), who she claims to be the adoptive daughter of Late Smt. M. Laxmi Sujatha and Late M. Kumara Swamy.

5. Along with the said application, she also filed photocopy of an adoption deed and Study Certificate of 1st respondent.

6. These applications were opposed by petitioners who denied that there was any such adoption.

7. The Court below allowed both the applications vide separate orders passed on 29.10.2018, observing that whether the 1st respondent is really entitled to compensation along with petitioners would be decided after full-fledged trial; and allowing the applications would not cause any prejudice to petitioners. It also opined that, *prima facie*, the 1st respondent appears to be the adoptive daughter of the deceased.

8. Challenging the same, the present Civil Revision Petitions are filed.

9. The counsel for petitioners contended that the Court below ought not to have allowed the above applications for impleadment of petitioners since no documents were filed in support of the pleading of respondent nos.1 and 2 that 1st respondent was the adopted daughter of the deceased.

10. Since xerox copies of the adoption deed and school certificate of the 1st respondent have been filed, though not separately marked (as can be seen from the order copies of the Court below), it cannot be said that there is no material for the Court below to *prima facie* accept the contentions of the respondents and implead them. However, the

Court below has sufficiently safeguarded the interests of petitioners by stating that it would go into the issue of entitlement of 1st respondent to compensation along with the petitioners after full-fledged trial.

11. Therefore, I do not find any error of jurisdiction in the order passed by the Court below warranting interference by this Court under Article 227 of the Constitution of India.

12. Accordingly, the Civil Revision Petitions fail and they are dismissed. No order as to costs.

13. As a sequel, miscellaneous petitions pending if any in these Civil Revision Petitions, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 06.06.2019

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