

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

C.R.P. No. 1989 of 2022

&

C.M.P. No. 12933 of 2019

1. Soundiraradjane
2. Minor Sariram
3. Minor Devadarsini

Petitioners 2 & 3 are minors are
rep. by father and natural guardian
Soundiraradjane

..Petitioners

Vs.

1. Velpari
2. Pannerselvam
3. The Divisional Manager,
IFFCO-TOKIA General
Insurance Co. Ltd.,
No.43/3, 100 feet road,
Mudaliarpeta,
Puducherry – 4.

..Respondents

Prayer: Civil Revision Petition under Article 227 of the Constitution of
India as against the order and decree dated 28.11.2018 made in I.A. No. 246

of 2018 in MACT OP. No. 610 of 2015 on the file of II Additional District Judge, Puducherry.

For Petitioners :: Mr.D. Ravichander

For Respondents :: No Appearance

O R D E R

The claimants in MACT.O.P. No. 610 of 2015 on the file of II Additional District Judge, Puducherry have come before this Court challenging the order passed in I.A. No. 246 of 2018, which was filed by the father of the victim of the accident to implead himself as a party respondent in the proceedings. This application was allowed by the Tribunal vide its order dated 28.11.2018 and this is now challenged by the claimants before this Court.

2. Learned counsel for the revision petitioners made a statement that the father of the victim seeking his impleadment in the claim petition before the Tribunal, per se, may not give rise to a cause of action for the claimants to challenge the order, but in the instant case, the newly impleaded party is making insinuatory statements that the accident perhaps may not be an innocent looking road accident. In other words, he suspects foul play in the

very accident and seeks rejection of the claim petition in toto.

3. A party to a proceeding is at liberty to make pleas, but the Tribunal or the Court is not bound by such pleas. At the end of the day, when the matter is taken up, the Tribunal has to focus on the quality of evidence produced to prove an accident. It has to arrive at its own conclusion on the very accident. The line of defence taken out by one of the parties, per se, is not a limiting factor either on the power or the duty of the Tribunal to consider the merit of the claim of the claimants before it.

N. SESHASAYEE,J.

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4. Therefore, this Court does not consider it necessary to interfere with the order of the Tribunal passed in I.A. No. 246 of 2018. The civil revision petition is thus dismissed. No costs. Connected C.M.P. is closed.

04.03.2022

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To

The II Additional District Court,

C.R.P. No. 1989 of 2019

Puducherry.

C.R.P. No. 1989 of 2019