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C.R.P.No.886 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2023

CORAM :

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

Civil Revision Petition No.886 of 2020
and
C.M.P.No.4712 of 2020

Ammu Gas Agency

.. Petitioner

Versus

1. Indirani
2. K.Boopathy Raja @ Boopathy
3. Sivakami

.. Respondents

Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 03.02.2020 passed in I.A.No.892 of 2017 in M.A.C.T.O.P.No.425 of 2013 on the file of the learned Special District Judge (Motor Accident Claims Tribunal), Erode.

For Petitioner : Mr. D. Selvaraju

For Respondents : No appearance

ORDER

The revision petitioner is arrayed as second respondent in M.A.C.T.O.P. No. 425 of 2013 on the file of the learned Special District Judge (Motor Accident Claims Tribunal), Erode. They have filed the instant I.A. No. 892 of 2017 in M.A.C.T.O.P. No. 425 of 2013 to delete their name from the array of



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parties in the Original Petition. The Tribunal dismissed the said application which has given rise to the filing of the present Civil Revision Petition before this Court.

2. Heard the learned counsel for the petitioner and perused the materials on record. In spite of notice, there is no representation for the respondents.

3. On perusal of the materials placed on record, it could be seen that the first respondent in this Civil Revision Petition, as claimant, has filed M.A.C.T.O.P. No. 425 of 2013 before the Tribunal, claiming compensation of a sum of Rs.10 lakhs for the death of her husband in a road accident. In the Original Petition, it was stated that on the fateful day, the deceased was riding his two wheeler bearing Registration No TN 65 C 6693 on the Mettur Road, Erode. When his two wheeler was nearing Opposite to Angalamman Fast Food Hotel, the second respondent in this revision/first respondent in the claim petition, had driven the Piaggio vehicle bearing Registration No. TN 55 L 3179 in a rash and negligent manner and hit the two wheeler driven by the deceased from behind. In the impact, the deceased sustained grievous injuries and had taken treatment from 30.10.2012 to 09.11.2012. In spite of the treatment given for him for about 10 days, he succumbed to the injuries.



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4. For the death of the deceased, the first respondent has filed the claim petition. In Para No.23 (3) it was stated that the Revision Petitioner herein had hired the Piaggio vehicle for the purpose of their business and that the revision petitioner is either directly or indirectly liable for the accident caused by the driver of the Piaggio Vehicle.

5. Notwithstanding the aforesaid averments in the Original Petition, the instant application has been filed by contending that the Revision Petitioner is an unnecessary party to the Original Petition. It is also stated that the revision petitioner has no contract with the Piaggio Vehicle and there is no cause of action to array the revision petitioner as a party to the Original Petition. It was also stated that the claimant colluded along with the owner cum driver of the vehicle to get compensation from the revision petitioner. However, the Tribunal refused to accept such a plea and dismissed the I.A. No. 892 of 2017 filed by the Revision Petitioner.

6. This Court is unable to agree with the submissions raised by the revision petitioner. Whether the revision petitioner had any nexus or jural



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relationship with the owner cum driver of the Piaggio vehicle has to be gone into only at the time of trial. It is too early to delete the name of the revision petitioner from the array of parties by concluding that there is nothing on record to suggest the involvement of the revision petitioner. This is more so that in para No. 23 (3) of the Original Petition, it was categorically stated that the revision petitioner is running a Gas Agency in the name and style of Ammu Gas Agency and for the purpose of their business, they have hired the Piaggio vehicle. While so, in the light of the aforesaid categorical averments, the parties have to be permitted to let in oral and documentary evidence in the Original Petition to show whether there was any nexus, relationship, either directly or indirectly between the revision petitioner and the owner and/or driver of the Piaggio Vehicle involved in the accident. At this stage, the prayer sought for by the revision petitioner to delete them from the array of parties cannot be acceded to. The Tribunal is therefore fully justified in dismissing the application filed by the revision petitioner to delete their name from the array of parties. This Court is not inclined to interfere with such an order passed by the Tribunal. It is always open to the revision petitioner to participate in the trial and let in evidence to show that they are not in any way liable to pay compensation to the claimant.



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7. In the result, the order dated 03.02.2020 passed in I.A.No.892 of 2017 in M.A.C.T.O.P.No.425 of 2013 on the file of the learned Special District Judge (Motor Accident Claims Tribunal), Erode is confirmed. However, taking note of the fact that the Original Petition is pending for adjudication since 2013, the Tribunal is directed to take up the MACTOP No. 425 of 2013 on its file and wrap up the entire proceedings on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. The Revision Petitioner is directed to extend their cooperation to enable the Tribunal to complete the proceedings within the time limit set by this Court. Consequently, the Civil Revision Petition is disposed of. No costs. Connected miscellaneous petition is closed.

15.02.2023

kv

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Special District Judge
(Motor Accident Claims Tribunal), Erode.
2. The Section Officer,
V.R. Section,
High Court, Madras.



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V.BHAVANI SUBBAROYAN,J.

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