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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.07.2023

CORAM :

**THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN**

C.R.P. No. 2214 of 2023

and

C.M.P.No.13374 of 2023

1. Devaraj

2. Saraswathi

3. Jaikishore

...Petitioners

.Vs.

1. Manikandan

2. Shriram General Insurance Company Ltd.,  
Chennai – 96

...Respondents

**Prayer:** This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to allow this Civil Revision petition by directing to the Sub-Court, Gingee not to insist upon impleading the divorced wife of the deceased Arul in M.C.O.P.No.256 of 2016 on the file of Hon'ble Sub-Court, Gingee and to complete the trial within the time frame



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For Petitioner : Mr. M. Santhanaraman

**ORDER**

This petition is filed to allow this Civil Revision petition by directing to the Sub-Court, Gingee not to insist upon impleading the divorced wife of the deceased Arul in M.C.O.P.No.256 of 2016 on the file of Sub-Court, Gingee and to complete the trial.

2. The facts of the case is that one Arul, who is the son of the first and second petitioner and father of the third petitioner died on 23.05.2015 in a accident. Thereafter, the petitioners who are the legal heirs of the deceased Arul filed a petition under Section 166(1) of the Motor Vehicles Act in the above M.C.O.P and the learned Judge directed to implead the divorced wife of the deceased by name Girija as a party to the proceedings. Aggrieved over the same the petitioners have filed this petition.

3. The learned counsel for the petitioner submitted the marriage between the said Girija and the deceased was not in subsistence and the same was dissolved by an order dated 11.02.2016, wherein divorce was granted to the said Girija. While so the impugned order directing to implead the wife of the deceased Arul is not sustainable one and prays to allow this petition.



4. On a perusal of records it is seen that the deceased married one Girija on 08.11.2000 and thereafter their marriage ran into rough weather, due to which the couple started living separately and divorce was also granted on 11.02.2016. When this being the case, the order passed the Court below to implead the divorced wife as a party to the M.C.O.P filed for claiming compensation for the death of the deceased is not sustainable and the same calls interference by this Court.

5. In view of the above, the order passed by the learned Judge, Sub-Court, Gingee insisting to implead the divorced wife of the deceased Arul in M.C.O.P.No.256 of 2016 is hereby set aside. Accordingly this Civil Revision Petition is allowed. No order as to costs. Consequently the connected miscellaneous petition is closed.

11.07.2023

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Index : Yes/No

Internet: Yes/No

To.

1. The Sub-Court, Gingee.



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**V.BHAVANI SUBBAROYAN,J.**  
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