



C.R.P(MD)No.420 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.02.2023**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.420 of 2023

1.Kaliyaperumal

2.Baby

3.Kodiyarasi

4.Ezhilarasi

... Petitioners/Petitioners/
Claimants

Vs.

1.Muthuchamy

2.The Branch Manager,
M/s. The Sriram General Insurance Company,
No.609/2A, 2nd Floor,
Andavar Plaza, Salem Main Road,
Namakkal Town,
Namakkal District.

... Respondents/Respondents 1&2/
Respondents

3.Rabila Beevi

4.The Regional Transport Officer,
Ramanathapuram Office,
Madurai-Namakkal Road,
Ramanathapuram.



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5.The District Collector,
Ramanathapuram District,
Ramanathapuram.

6.The Transport Secretary,
Chennai Office,
George Town,
Chennai.

... Respondents/Respondents 3-6/
Proposed Party

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 01.12.2020 in I.A.No. 1582 of 2020 in M.C.O.P.No.1185 of 2018 on the file of the Learned Motor Accident Claims Tribunal / Special District Court, Thanjavur by allowing this Revision Petition.

For Petitioners : Mr.A.Muralikumar

ORDER

The present revision petition has been filed by the claimants in M.C.O.P.No.1185 of 2018 pending on the file of Motor Accident Claims Tribunal, Thanjavur.

2. The claim petition has been filed by the parents and sisters of the deceased person. In the claim petition, the 1st respondent is shown as the owner of the offending vehicle and the 2nd respondent is the insurance



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company of the offending vehicle. Pending M.C.O.P proceedings, the claimants have filed I.A.No.1582 of 2020 to implead the Regional Transport Officer (RTO) Ramanathapuram, District Collector (DC) Ramanathapuram and Transport Secretary, Government of Tamil Nadu as respondents in the M.C.O.P. The said application was dismissed by the tribunal. Challenging the same, the present revision petition has been filed by the claimants.

3. According to the learned counsel for the petitioners/claimants, originally one Rabila Beevi was the owner of the vehicle and she had not renewed the insurance policy for the vehicle. Without renewing the insurance policy, she had transferred the vehicle in favour of one Muthusamy who is shown as 1st respondent in the claim petition. The Regional Transport Officer is duty bound to verify whether the insurance is alive when the transfer of vehicle is recorded. Therefore, according to the learned counsel for the petitioner, Regional Transport Officer, District Collector and Transport Secretary, Government of Tamil Nadu are vicariously liable for the negligence on the part of Regional Transport Officer in transferring the vehicle in the name of the 1st respondent.



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4. I have carefully considered the submissions made on either side.

5. It is settled position of law that the claimants can seek compensation from the registered owner of the vehicle or against the insurance company, in which the vehicle is insured. However, the claimants will not be entitled to claim any compensation from any other third party under the Motor Vehicle Act. Therefore, the request of the petitioner for impleading Regional Transport Officer, District Collector and Transport Secretary, Government of Tamil Nadu have been rightly dismissed by the tribunal. I do not find any infirmity in the order passed by the tribunal.

6. Hence, this Civil Revision Petition stands dismissed. No costs.

23.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

- 1.The Motor Accident Claims Tribunal /
Special District Court,
Thanjavur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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