



C.R.P.Nos.1167 & 1168 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM

THE HONOURABLE MR. JUSTICE V. SIVAGNANAM

Civil Revision Petition Nos.1167 & 1168 of 2022

and

Civil Miscellaneous Petition Nos.6148 & 6151 of 2022

1. Poornima

2. Minor Harshitha, 2 years

Rep. By Natural Guardian/mother K.Poornima

... Petitioners in both CRPs

Vs

1. S.Anitha

2. Suresh Nagendra Lal,
TVH Svaya Block , C-29,
Flat No.2937, 3rd floor,
Sriperumbudur, Kundrathur Road,
VengaduVillage, Kancipuram.

3. The BranchManager,
Bajaj Alliance General Insurance Co.Ltd.,
Krishna Nagar, Vellore

4. Babu

... Respondents in CRP 1167/2022



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1. V.Shanmugasundaram

S. Manimegalai (died)

2. S.Anitha

3. Suresh Nagendra Lal.
Sriperumbudur, Kundrathur Road,
Vengadu Village,
Kanchipuram.

4. Bajaj Allianz,
rep. By Senior Manager,
Puna

5. Sai Leo Quarry,

6. Royal Sundaram Alliance Insurance Co.Ltd.,
No.113/114, Sir Teygaraja Road,
Fourth Floor, Meena Kampala Arcade,
T. Nagar, Chennai 600 017.

7. Bajaj Alliance General Insurance Co.Ltd.,
No.18/25, KPS Shopping Arcade, Bypass Road,
Madurai

8. G.Babu ... Respondents in CRP 1168/2022

Common Prayer: Civil Revision Petition has been filed under Article 227 of the Constitution of India to set-aside the fair and decreetal order dated 22.12.2021 made in I.A.No.891 of 2021 in MCOP No.164 of 2015 & I.A.No.892 of 2021 in MCOP No.23 of 2017 on the file of the Motor Accident



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Claims Tribunal/Subordinate Court, Vaniyambadi, Vellore District and allow the above civil revision petition.

For Petitioner : Mr .D.Rameshkumar
in both CRPs

For respondents : Mr. P.Sesu Balan Raja,
in both CRPs for R1

: Mrs. K.Poomalai,
for R3

: R2 & R4 given up

COMMON ORDER

Challenging the fair and decreetal orders made in I.A.No.891 of 2021 in MCOP No.164 of 2015 and I.A.No.892 of 2021 in MCOP No.23 of 2017 dated 22.12.2021 by the Subordinate Judge, Motor Accidents Claim Tribunal, Vaniyambadi, the present Civil Revision Petition has been filed.

2. The learned counsel for the petitioner submitted that the 2nd respondent herein, namely, S.Anitha is the proposed party in MCOP No.164 of 2015, and MCOP No.23 of 2017 on the file of the Motor Accident



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Tribunal/ Subordinate Court, Vaniyambadi, Vellore District. Both the cases are filed for the death of the deceased Senthilvelan, who died in a motor accident. MCOP No164 of 2015 was filed by the wife Poornima and Daughter Harshitha of the deceased Senthilvelan. The father V.Shanmugasundaram and mother S.Manimegalai(died) of the deceased Senthilvelan filed MCOP No.1169 of 2015 before the Additional District Court-I, Thanjavur and subsequently, it was transferred to Subordinate Court, Vaniyambadi and renumbered as MCOP No.23 of 2017. Pending proceedings, mother of the deceased, namely, Manimegalai died. Hence, her daughter Anitha filed this petition to implead her as a proposed party as one of the petitioner in MCOP No.164 of 2015 & MCOP No.23 of 2017.

3. He further submitted that the the proposed party Anitha had married long back prior to the death of the deceased and living with her husband and hence, she is not entitled to get any compensation for the death of his brother. The Tribunal allowed the petitions by passing the impugned orders, which is under challenge.



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4. The learned counsel appearing for the proposed party submitted that she is entitled to get compensation. In the motor accident claim cases, legal heirs alone need not be necessary parties, the dependants also entitled to be impleaded in the claim petitions and only after trial, it has to be decided as to whether she is a dependant o the deceased or not. He further subitted that she being a legal heir of the deceased mother Manimegalai. Therefore, there is no reason to interfere with the impugned order and seeks to dismiss the petitions.

5. I have considered the matters in the light of the submissions made by the learned counsel on both sides and perused the materials available on records carefully.

6. It is not disputed that the mother of the deceased Manimegalai and the sister of the deceased Senthilvelan. The proposed party claimed that she is the dependent of her deceased brother as well as the legal heir of the deceased mother Manimagalai, who is one of the petitioner in MCOP No.23 of 2017. Hence, whether she is entitled to get compensation as a legal heir of the



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deceased mother, one of the petitioner in MCOP No.23 of 2017 as well as she is a dependent of his brother, has to be decided before the Claims Tribunal.

Hence, the Tribunal rightly impleaded the proposed party as one of the party to the proceedings and Insurance Company has also no objection to implead her in this proceedings. I find no reason to interfere with the impugned order passed by the Tribunal and I find no merit in both the revisions.

7. Accordingly, both the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

11.01.2024

Index: yes/no
Internet:yes/no
mrp

To

Subordinate Judge,
Motor Accident Tribunal/ Subordinate Court,
Vaniyambadi,
Vellore District.



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V. SIVAGNANAM, J.

mrp

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