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CRP.No.1326 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM

THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN

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Rajasekaran

...Petitioner

Vs

1. Punithavathi
2. Gayathri
3. Durga Sri
4. Priyanka (Minor) rep. by her mother
and next friend Punithavathi
5. Reliance General Insurance Co. Ltd.,
Reliance House,
No.6, Haddow's Road,
Nungambakkam,
Chennai 600 006.
6. R.Vijayakumar
7. Sriram

..Respondents

Prayer:- Civil Revision Petition has been filed under Article 227 of the Constitution of India, against the order dated 18.02.2022 dismissing the petitioners MP.No.2641 of 2017 in MCOP No.6521 of 2016 before the Motor Accident Claims Tribunal at Chennai (on the file of the IV Small Causes Court, Chennai).

For Petitioner : Mr.J.S.Mahalingam



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For Respondents

for RR1 to 4: Mr.Ayyadurai

for R5 : Mr.B.Siva Kollapan

for R6 : Mr.M.Palanivel

for R7 : Not ready in notice

ORDER

Challenge in this revision is to the order of the Motor Accident Claims Tribunal (IV Court of Small Causes), Chennai made in MP.No.2641 of 2017 in MCOP.No.6521 of 2016, an application filed by the first respondent in MCOP seeking to implead the respondents 6 and 7, who according to him are the purchaser and the driver of the vehicle, which was involved in the accident.

2. The respondents 1 to 4 herein filed the above said Original Petition seeking compensation for the death of one Bala Rajeswaran in a motor accident that occurred on 08.05.2016 at about 17.30 hours in Maraimalai Nagar. According to the claimants, the accident had



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occurred due to the rash and negligent driving of the motorcycle bearing Registration No.TN 50 R 2616 owned by the petitioner herein/first respondent. Terming negligence on the part of the rider of the motorcycle bearing Registration No.TN 50 R 2616 as the reason for the accident and consequent death of Bala Rajeswaran the claimants sought for a compensation of Rs.28,00,000/-.

3. The petitioner herein resisted the claim contending that he parted with the vehicle even prior to the accident on 21.01.2016 in favour of one Vijayakumar, a resident of Maraimalai Nagar. Claiming that the obligation to effect transfer of the vehicle was on the purchaser, the petitioner herein filed an application seeking to implead the purchaser and his son, who was allegedly the rider of the motor cycle at the time of the accident, as party respondents in the original petition.

4. The application was resisted by the claimants/respondents 1 to 4 herein contending that in view of the definition of the term "owner" occurring in the Motor Vehicles Act 1988, the person in



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whose name the vehicle stood registered on the date of the accident would be deemed to be the owner and not the person, who is said to have purchased the vehicle prior to the date of the accident.

5. The Tribunal agreed with the contentions of the respondents 1 to 4/ claimants and dismissed the application after referring to the judgment of the *Hon'ble Supreme Court in Naveen Kumar vs. Vijay Kumar* and others in Civil Appeal No.1427/2018 dated 06.02.2018.

6. The learned counsel for the revision petitioner would vehemently contend that since the proposed parties viz., 6th and 7th respondents have admitted the purchase by them and also pleaded that they did not take proper steps for transfer of vehicle because the papers were misplaced, the learned Tribunal was in error in not directing impleading of those parties.

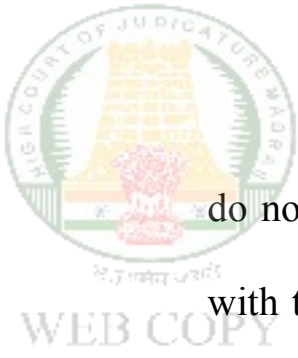
7. I do not think such a contention could be accepted. The Hon'ble Supreme Court has specifically held that in view of the



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definition of the term "owner" under Section 2(30) of the Motor Vehicles Act, 1988, the person in whose name, the vehicle stands registered on the date of the accident would be deemed to be the owner for the purposes of payment of compensation. Section 50 of the Motor Vehicles Act provides for two different periods for the owner and the purchaser to inform the Regional Transport Authority regarding the transfer. There is also a provision enabling the parties to pay fine in the event of delay and have the vehicle transferred in their name.

8. Be that as it may, as far as the Motor Accident Claims are concerned, the person in whose name the vehicle stands registered on the date of the accident would be deemed to be the owner. Recently, a Division Bench of this Court, to which I was a party, has also taken the same view. Hence, I am unable to fault the Tribunal for dismissing the application for impleading. The Hon'ble Supreme Court in *Khenyei vs. New India Assurance Company Ltd.*, in Civil Appeal No.4244 of 2015, dated 07.05.2015 has also pointed out that the claimants cannot be forced to fight against the person who they



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do not want to fight. Therefore, I do not see any reason to interfere with the order of the Tribunal. The revision fails and accordingly, it is dismissed. No costs.

18.01.2024

Index : No
Internet : Yes
Speaking Order : Yes
pvs

To
1. The Motor Accident Claims Tribunal at Chennai,
IV Small Causes Court, Chennai
2. The Section Officer,
V.R.Section, High Court, Madras.



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R.SUBRAMANIAN, J.

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