



WEB COPY

C.RP(MD)No.931 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 04.07.2024

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**C.R.P(MD)No.931 of 2022
and
C.M.P(MD)No.3715 of 2022**

Gurusamy

... Petitioner/Petitioner/
Respondent

Vs.

1.Saraswathi
2.Subramanian

...Respondents/Respondents/
Petitioners

Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 15.02.2022 passed in I.A.No.3 of 2022 in M.C.O.P.No.1818 of 2018 on the file of the Motor Accident Claims Tribunal, Special Sub-Court Dealing with MCOP Cases, Tirunelveli.

For Petitioner
For Respondent

:Mr.M.Prabu
:No appearance

ORDER

This Civil Revision Petition is filed aggrieved by the order, dated 15.02.2022 passed by the Motor Accidents Claims Tribunal, Tirunelveli, in I.A.No.3 of 2022 in M.C.O.P.No.1818 of 2018.



2.The said Interlocutory Application is filed by the petitioner to reopen the case under Section 151 of the Code of Civil Procedure. The reason that is mentioned in the application is that the petitioner wants to examine one Soosai, as witness on his side.

3.The case of the petitioner is that originally the Petitioner was the owner of the vehicle bearing Registration No.TN-69-AZ-5988. However, he sold the same to the said Soosai as on 16.09.2014 itself. However, the said Soosai did not change the name in the RC book and therefore, the petitioner is wrongly impleaded as the respondent in the Motor Accident Claims Original petition.

4.The learned Counsel appearing on behalf of the petitioner would vehemently contend that when the petitioner had all along insured the vehicle and kept the cover intact till the date of sale in the year 2014 and only the said Soosai, who had not insured the vehicle after purchasing the same from the petitioner and once he is the owner of the vehicle, the petitioner is entitled to examine him as a witness. As a matter of fact, only by examining by the said Soosai, the truth will come before the Tribunal. The Tribunal ought to have given an opportunity to the petitioner.

5.I have considered the said submissions made by the learned counsel for the petitioner and perused the material records of the case.



6. At the outset, the Hon'ble Supreme Court of India in ***Surendra Kumar Bhilawe-Vs-New India Assurance Company Ltd.***, reported in ***(2020) 18 SCC 224***, has categorically held that the person in whose name the Registration Certificate stands as on the date of the accident alone is liable for the accident. In this backdrop, even considering the averments made by the petitioner on its face value, when the petitioner had filed a counter statement stating that he has sold the vehicle to one Soosai as early as on 16.09.2014, nobody prevented him to take out the application to implead the said Soosai as a respondent in the above M.C.O.P.No.1818 of 2018. He omitted to do so. Secondly, he did not even thought it fit to examine him when his turn came for letting in evidence. When the entire case is over and the matter is posted for arguments, now the application is belatedly filed.

7. For all the above three reasons, the Civil Revision Petition cannot be entertained and the arguments of the learned counsel for the petitioner cannot be countenanced. Accordingly, finding no merits, the civil revision petition is dismissed. No costs.

04.07.2024

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



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D.BHARATHA CHAKRAVARTHY, J.

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To

1.The Sub-Court,
Palani.

2.The Section Officer,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

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