



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2025

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THE HONOURABLE MR JUSTICE P.B. BALAJI

CRP.No.1479 of 2025

and

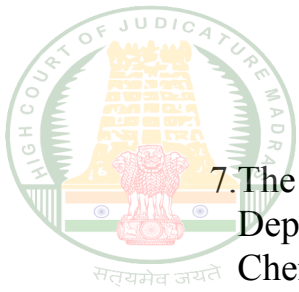
C.M.P.No.8683 of 2024

The Regional Officer,
National Highways Authority of India,
Chennai-600 032.

... Petitioner

Vs.

- 1.Yasmin Issanth
- 2.Minor Mohammed Ayyas
rep.by the mother/first respondent
- 3.Nemath Nisha
- 4.The Commissioner,
Chennai Corporation, Chennai.
- 5.ICICI Lconbord Motor Gasmanance Company Limited,
Puducherry.
- 6.The Government of Tamil Nadu,
represented by its Secretary,
Department of Highways, Secretariat,
Chennai-600 005.



7. The Director General,
Department of Highways,
Chennai-600 005.

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8. The Chief Secretary,
Government of Tamil Nadu,
Chennai-600 009.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, against the order dated 01.02.2025 in I.A.No.3 of 2024 in M.C.O.P.No.94 of 2017 on the file of the Special District Court, Villupuram.

For Petitioner : Ms.S.R.Sumathy

For Respondents : Mr.K.Vasanthanayagan
for RR1 to 3
Mr.DBR.Prabhu
Senior Counsel for
Chennai Corporation for R4
Mr.T.Arunkumar,
Additional Government Pleader
for RR6 to R8
R5-Not ready in notice

ORDER

Heard Ms.S.R.Sumathy, learned counsel appearing for the revision petitioner, Mr.K.Vasantha Nayagam, learned counsel appearing for the respondents 1 to 3, Mr.DBR.Prabhu, learned Standing Counsel for



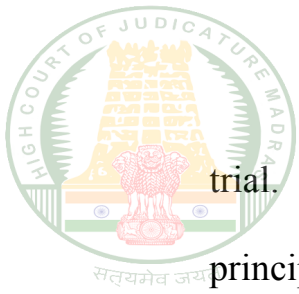
Corporation of Chennai/fourth respondent and Mr.T.Arun Kumar, learned Additional Government Pleader appearing for the respondents 6 to 8.

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2. At the last hearing, the learned Standing counsel appearing for the respondent No.4 has sought for instructions with regard to the jurisdiction issue pertaining to the accident in order to ascertain whether the National Highways Authority of India would be proper and necessary party to M.C.O.P proceedings. Mr.DBR.Prabhu, learned counsel, on instructions, confirms that the hoardings that has been the cause for the accident leading to filing of the M.C.O.P proceedings is within the jurisdiction of Greater Chennai Corporation.

3. In view of the same, the National Highways Authority of India is not a necessary party to adjudicate the compensation claim filed by the first respondent.

4. The Tribunal has proceeded to allow the application impleading the revision petitioner by stating that whether the National Highways Authority of India is a proper and necessary party can be decided only at the time of



trial. Unfortunately, the said approach of the Tribunal is against the principles of Order 1 Rule 10(2) C.P.C, where the test to find out should be whether party, who is sought to be impleaded is a proper and necessary party at the stage of permitting the impleadment and the decision, cannot be postponed to the stage of trial, after impleading the party.

5. In view of the fair submission made by the learned Standing Counsel appearing for the Chennai Corporation that the hoarding is within the control of the Chennai Corporation, the revision petitioner is not a proper and necessary party to the claim for compensation which can be decided in the presence of the existing respondents and the respondents 3, 4 and 6.

6. In view of the above, this Civil Revision Petition is allowed and the order dated 01.02.2025 passed in I.A.No.3 of 2024 in M.C.O.P.No.94 of 2017 is set aside, insofar as the revision petitioner is concerned. Considering the fact that Motor Accident Claims Original Petition has been filed in the year 2017, the learned Special District Judge, Villupuram, shall expedite the hearing in M.C.O.P.No.94 of 2017 and conclude the same



within a period of six months from the date of receipt of a copy of this order. There shall be no order as to costs. Connected miscellaneous petition is closed.

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14.07.2025

Speaking Order/Non-speaking Order

Index : Yes / No

Neutral Citation : Yes/No

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To

- 1.The Commissioner,
Chennai Corporation, Chennai.
- 2.ICICI Lconbord Motor Gasmanance Company Limited,
Puducherry.
- 3.The Government of Tamil Nadu,
represented by its Secretary,
Department of Highways, Secretariat,
Chennai-600 005.
- 4.The Director General,
Department of Highways,
Chennai-600 005.
- 5.The Chief Secretary,
Government of Tamil Nadu,
Chennai-600 009.

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P.B. BALAJI,J.

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C.M.P.No.8683 of 2025

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