



CRP.Nos.2379 & 2380 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.Nos.2379 & 2380 of 2023

and

C.M.P.No.14854 of 2023

1. Maheswari
2. Minor Darshan
3. Minor Kitvi
Minors Rep. by Guardian/Mother Maheswari
Narayanaswamy (Died)
4. Rajalakshmi ...Petitioners in both CRPs.

Vs.

1. Venkateshkumar
2. Baja Allianz General Insurance Company Ltd.,
People Park, 3rd Floor,
Government Arts College Road,
Coimbatore.
3. Ravikumar
4. G.R.R.Poultry Farm,
No.160/1, Navani (Vil),
Puduchathiram, Namakkal.
5. National Insurance Company Ltd,
Court Street, Tiruppur. ...Respondents in both CRPs.



CRP.Nos.2379 & 2380 of 2023

Prayer in C.R.P.No.2379 of 2023: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the common fair and final orders passed in IA.No.04 of 2023 respectively in MCOP.No.1896 of 2015, on the file of the Exclusive Motor Accident Claims Tribunal at Tiruppur, dated 07.06.2023.

Prayer in C.R.P.No.2380 of 2023: Civil Revision Petitions filed under Article 227 of Constitution of India, to set aside the common fair and final orders passed in IA.No.05 of 2023 respectively in MCOP.No.1896 of 2015, on the file of the Exclusive Motor Accident Claims Tribunal at Tiruppur, dated 07.06.2023.

Appearance of counsel in both CRPs':

For Petitioners : Mr.M.Lokesh

For Respondents : Mr.S.Arun Kumar, for R2
: Mrs.N.B.Sureka, for R5
: No Appearance, for R1, 3 & 4

COMMON ORDER

These revision petitions have been filed, challenging the dismissal order passed by the Exclusive Motor Accident Claims Tribunal, Tiruppur in IA.Nos.04 & 05 of 2023 respectively in MCOP.No.1896 of 2015, dated 07.06.2023.

2. The petitioners are the claimants and they sought for



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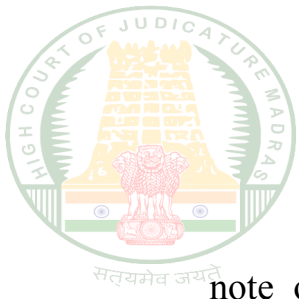
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compensation and filed the M.C.O.P.No.1896 of 2015 pending before the

Exclusive Motor Accident Claims Tribunal, Tiruppur.

3. The case of the petitioners is that the accident was a hit and run and the tortfeasor has not been identified. The respondent has taken a stand that the accident was a hit and run accident and the vehicle involved in this case is unidentified, which has necessitated the claimants to implead the Government as a party.

4. The learned counsel for the petitioners also relied on the decision of this Court in the case of *National Insurance Co. Ltd. Vs. P.Suresh, reported in 2018 (2) TN MAC 499*, wherein this Court, in similar circumstances, holding that the State would be equally liable to compensate the victims, *suo motu* impleaded the Government as a party, even in the Appellate stage, that is pending the CMA proceedings. In fact, I find that the decision was also brought to the notice of the learned Tribunal. The tribunal has dismissed the application only on the ground that in the claim petition, the petitioners have not stated that the vehicle involved in the accident is an unknown vehicle. The tribunal also took



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note of the evidence of PW1. However, the learned counsel for the petitioners states that the FIR as well as the charge sheet state about the present accident and there is a clear reference that the vehicle involved in the accident was unidentified vehicle. Therefore, the learned counsel for the petitioners would contend that fair opportunity would have to be given to the petitioners to putforth their contentions and they should not be deprived of just compensation on a technical ground, holding that the Government is not a party, in the event of tribunal agreeing that the contention of the contesting respondent that it was a hit and run case.

5. The Motor Vehicle Act is a beneficial legislation and therefore, the strict rule of pleadings cannot be put against the claimants. In any event, the FIR and the charge sheet state that the case is a hit and run accident, which is now projected by the claimants themselves by seeking impleadment of the Government as a party, so that, ultimately, there would be a complete adjudication of all contentious issues before the tribunal, and the Tribunal will be better placed to award compensation to the claimants. Such a request ought to have been entertained.



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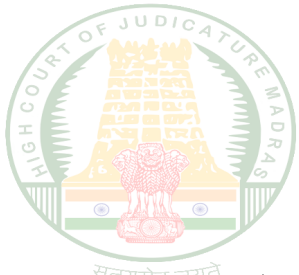
6. In the light of the above, Civil Revision Petitions are allowed and the order passed in I.A.Nos.4 and 5 of 2023 is set aside. No costs. Consequently, the connected Miscellaneous petition is closed.

7. Considering the fact that the MCOP is of the year 2015 and in view of the revision petitions being allowed and the State being impleaded as a party, the following directions are additionally issued:-

(i) The tribunal shall permit impleadment of the State and complete the amendment and pleadings, within a period of eight weeks from the date of receipt of a copy of the order.

(ii) If any evidence is sought to be adduced by the newly impleaded party, the Tribunal shall afford an opportunity to the State in this regard and the same shall be concluded, within a period of eight weeks thereafter.

(iii) The main OP shall be disposed of finally, within a period of four weeks from the date of conclusion of the evidence of newly added



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party.
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28.08.2025

jd
Index : Yes / No
Speaking order : Yes / No
NCC : Yes / No

To

The Exclusive Motor Accident Claims Tribunal,
Tiruppur.



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P.B. BALAJI, J.

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