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CRP.No.5550 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.5550 of 2025 and
CMP.No.27829 of 2025

T.Ganesan

... Petitioner

Vs.

1. Lavanya
2. Kannan
3. Minor.Shamisha
Represented by next friend/mother
Mrs.Lavanya
- 4.Kannan
- 5.Chinnasamy

...Respondents

PRAYER :Civil Revision Petition filed Article 227 of Constitution of India, praying, to set aside the order and decretal order of the Exclusive Motor Accident Claims Tribunal, Dharmapuri in IA No.6 of 2025 in MCOP No.6 of 2025 dated 16.09.2025 and allow the IA No.6 of 2025 in MCOP No.6 of 2025 filed invoking Or.1 R.10 of CPC.

For Petitioners

: Mr.S.Sathiaseelan



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ORDER

The civil revision petition is filed challenging the order passed by the Motor Accident Claims Tribunal, Dharmapuri dismissing the application filed by the petitioner seeking impleadment of 4th and 5th respondents herein as party respondents in claim petition.

2. The respondents 1 to 3 filed a claim petition against the petitioner and one Anusakthi for recovery of compensation for the death of son of respondents 1 and 2 and brother of 3rd respondent in a road accident on 09.04.2024.

3. According to the respondents 1 to 3, the vehicle of the petitioner was driven by one Anusakthi in a rash and negligent manner and dashed against the vehicle of the victim and hence, there was a fatal accident.

4. The petitioner herein, who was arrayed as 1st respondent in the main original petition, filed application for impleading 4th and 5th respondents herein as party respondents in main OP. The said application was dismissed. Aggrieved by the same, the petitioner has come before this Court.



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5. The learned counsel for the petitioner vehemently contended that the vehicle driven by the minor victim belonged to 2nd respondent/2nd petitioner in main OP. He, having allowed the minor to drive the vehicle, is not entitled to maintain a claim petition and therefore, he shall be impleaded as party respondent in the original petition instead of petitioner in OP. The learned counsel further submitted that the vehicle driven by the minor was originally belonged to 5th respondent herein and he is the registered owner of the vehicle and the said vehicle was purchased by 2nd respondent and hence, the 5th respondent shall also be impleaded as a party respondent.

6. The claim petition was filed by respondents 1 to 3 on a specific averment that there was a negligence on the part of one Anusakthi, driver of the vehicle belonged to the petitioner. If that fact is proved before the Tribunal, the other questions raised by the petitioner regarding driving of the vehicle by minor victim and fault on the part of the 2nd respondent/2nd petitioner in original petition need not be gone into. In any event, the petitioner is entitled to raise a defense in original petition that 2nd respondent/2nd petitioner in OP cannot maintain a claim petition against him. In fact, one of the proposed party, 4th



respondent Kannan is already party to the proceedings as 2nd claimant(2nd respondent herein). Hence, impleading him as 2nd respondent will not arise as he cannot be a claimant as well as respondent.

7. As far as impleadment of 5th respondent is concerned, according to the petitioner, he is the registered owner of the vehicle driven by the minor and therefore, he shall be impleaded in the original petition. The original petition has been filed by the respondents 1 to 3/claimants on a specific averment that there was a negligence on the part of the driver of the petitioner's vehicle. They never pleaded any negligence on the part of victim and they have not sought for recovery of compensation against the owner/insurer of the vehicle driven by the victim. In such circumstances, on the averment found in the main original petition, the presence of 5th respondent, alleged registered owner of the vehicle driven by the victim, is not at all necessary party. The application has been filed belatedly when the matter is posted for recording evidence of 1st respondent. The Tribunal rightly appreciated the issue and came to the conclusion that proposed 4th and 5th respondents need not be impleaded and dismissed the impleading application filed by the petitioner, who is 1st respondent in claim petition.



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8. In view of the discussion made earlier, this Court feels that petitioner/1st respondent in OP is not entitled to seek impleadment of proposed 4th and 5th respondents as party respondents in the original petition. I do not find any error in the order passed by the court below. Accordingly, the civil revision petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

12.11.2025

Index : Yes / No
Internet : Yes / No
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To
The Exclusive Motor Accident Claims Tribunal, Dharmapuri.



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S.SOUNTHAR, J.

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