



C.R.P.(PD)(MD)No.1658 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1658 of 2022

and

C.M.P.(MD)No.7252 of 2022

The National Insurance Company Limited,
Representing through the Divisional Manager,
No.5-A, Sub Collector Office Road,
Dindigul Taluk, Dindigul.

... Petitioner

Vs.

1.Minor Karuna Devi

*[Minor first respondent is represented through
her father and guardian Arumugam]*

2.P.Chitra

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the judgment and decree dated 26.10.2021 passed in M.C.O.P.No.539 of 2018 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court [to deal with MCOP Case], Dindigul.

For Petitioner

: Mr.V.Sakthivel



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ORDER

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This Civil Revision Petition is filed challenging the judgment and decree dated 26.10.2021 passed in M.C.O.P.No.539 of 2018 on the file of the Motor Accident Claims Tribunal/Special Subordinate Court [to deal with MCOP Case], Dindigul.

2.The first respondent was travelling as a pillion rider with one Palanivel in a motor cycle bearing Registration No.TN 57 P 4703 in Sendurai to Dindigul Road from east to west direction. When they were nearing Anna Nagar at Alagar Thottam, a TATA Ace vehicle bearing registration No.TN 57 AD 6337 driven in a rash and negligent manner, dashed against the first respondent, thereby the first respondent sustained grievous injuries. Hence, the first petitioner filed a claim petition in M.C.O.P.No.539 of 2018 and the same was allowed by awarding a sum of Rs.45,000/- as compensation and fixing the liability on the petitioner to pay the compensation. Challenging the same, the petitioner/Insurance company has filed this Civil Revision Petition.

3.The learned counsel for the petitioner would submit that the driver of the TATA Ace vehicle, which was insured with the petitioner, has not possessed any valid driving license at the time of accident. To prove the same,



the Regional Transport Officer, Dindigul District was examined as R.W.1 and he clearly deposed that the driver of the TATA Ace vehicle was not possessed with valid driving license at the time of accident. However, the trial Court fixed the liability on the petitioner for paying the compensation to the victim, which is not sustainable. Hence, the petitioner has filed this petition.

4.Though this Civil Revision Petition is pending from the year 2022, the petitioner has not taken any steps to serve notice on the respondents. Considering the pendency of this Civil Revision Petition, this Court is inclined to dispose of this Civil Revision Petition based upon the available records.

5.The grievance of the petitioner/Insurance Company is that the driver of the TATA Ace vehicle has not possessed any valid driving license at the time of accident. To prove the same, the Regional Transport Officer was also examined. Even then, the trial Court has fixed the liability on the petitioner to pay the compensation.

6.Perusal of the Motor Accident Claim Petition shows that though the Regional Transport Officer was examined to prove that the driver of the vehicle involved in the accident, was not possessed with valid driving license at the time of accident, the driver of the vehicle was not added as a party in the claim



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petition. In such circumstances, without impleading the driver of the vehicle, the claim / allegations made by the petitioner as against the driver of the vehicle is improper. On this sole ground, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

15.07.2025

Index : Yes/No
Internet : Yes / No
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To

- 1.The Motor Accident Claims Tribunal,
Special Sub Court, Dindigul.
- 2.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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