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CRP No. 1241 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1241 of 2025 & CMP.No.7465 of 2025

Khivraj Motors Pvt Ltd
No.623 Anna Salai, Chennai - 600 006.

..Petitioner(s)

Vs

1. S. Nanda Kumar
S/o.Udaya Kumar, No.6 Perumal Street,
Egmore, Chennai – 8.
2. The National Insurance Co .Ltd.,
Moore Street, Regina Building, Chennai - 600
001.
3. R.Thulasi
W/o.Ravichandran, A3, No.13, Kannagi Street,
Subam Avenue, Sivan Flats, Ambattur, Chennai
- 600 053.

..Respondent(s)

Prayer : Civil revision Petition filed under Article 227 of Constitution of India to set aside the order and decree of the IV Small Causes Court, Chennai dated 03-03-2025 in MP.No.8/2024 in MCOP.No.4084/2017.

For Petitioner(s):

Mr.D.Abdullah

For Respondent(s):

Mr.N.Kamaraj – R1

Mr.S.Senthil Kumar – R2

Mr.J.CHELLADURAI CALDWELL – R3



ORDER

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Challenging the Order passed by the Tribunal in M.P.No.8 of 2024 in MCOP.No.4084 of 2017, the present Civil Revision Petition has been preferred by the petitioner.

2. The revision petitioner had filed a petition to implead one R.Thulasi, wife of Ravichandran as a necessary party to the proceedings. But the trial Court stating that the proposed party is not a necessary party had dismissed the petition. Aggrieved over the same, the present revision has been preferred by the revision petitioner, who is ranked as the first respondent in the claim petition filed by the first respondent in M.C.O.P.No.4084 of 2017.

3. The learned counsel appearing for the petitioner submits that the vehicle bearing registration No.TN 01 AS 1566 Maruti Ritz car was handed over to the proposed party under a specific agreement in the loaner car request form through which she agreed not to involve the vehicle in unlawful manner. It is his further contention that the proposed party approached the petitioner for entrusting her vehicle for major service and she requested for a spare vehicle and as per the terms in the loaner car request form, the said car was handed over to her, which is said to be involved in the accident. Further, the learned



counsel appearing for the petitioner brought to the notice of this Court that at the time of the accident, the vehicle was driven by the proposed petitioner's minor son, contrary to the terms of the agreement. Thereby, she violated the agreement and hence, she is a necessary party to the claim petition. Hence, prayed to set aside the Order passed by the Tribunal.

4. It is the contention of the learned counsel for the first respondent that in the year 2017 the claim petition has been filed by him and after five years, the revision petitioner/first respondent has filed the present petition and the petitioner had remained exparte in the claim petition and the insurance company had filed a counter since the vehicle was having valid insurance at the time of accident. At the time of trial the petitioner has come forward with the present petition with dilatory tactics. The insurance company admits that the vehicle is insured. Both the counsels raised objections stating that the alleged agreement is not true and valid one to convey compensation and the revision petitioner has come forward with such a claim which is not maintainable.

5. It is pointed out by the revision petitioner that before the trial Court, both the claimant as well as the insurance company have raised no objections in the above petition. According to the revision petitioner, the vehicle which is said to be involved in the accident is said to be handed over to one Thulasi and as per the specific agreement when she approached the petitioner and requested



for a spare vehicle and the son of the said Thulasi, who was a minor, has driven the vehicle at the time of the accident and to prove the manner of the accident, the said Thulasi is a necessary party. Subject to the objections of the claimant as well as the insurance company, this Court is inclined to allow this revision to avoid further complications.

6. Accordingly, this Civil Revision Petition is allowed and the Order of the tribunal passed in M.P.No.8 of 2024 is set aside. Both the parties are at liberty to raise all their defence at the time of trial and they are directed to cooperate with the trial proceedings. The learned IV Judge, Small Causes Court, Chennai is directed to dispose of the MCOP.No.4084 of 2017 within a period of three months from the date of receipt of a copy of this Order. No costs. Consequently, connected miscellaneous petition is closed.

09-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

vrc

To

The IV Judge,
Small Causes Court, Chennai.



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T.V.THAMILSELVI, J.

VRC

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