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CRP Nos. 4148 and 4155 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**CRP Nos. 4148 and 4155 of 2025
and CMP Nos.21341 and 21354 of 2025**

1. Bajaj Allianz General Insurance Co.Ltd
Old No.276 and 277, New No. 497 and 498,
Arumbakkam, Chennai 600 106

Petitioner in both the
revisions

Vs

1. Apporva Nonita D Souza
Res at Flat No.401, GSR Enclave
Apartment, F Zone, LBS Nagar, VTC
Vimanapura Post, Bangalore North,
Karnataka 560 017

2.Minor Eva Selin Nilesh
Rep by her Mother and next friend 1st
respondent, D2, 2nd Block, Vishnoo
Anugraha, 587, Subramanya Nagar, ST
Road, Pandian Nagar, Okkiyam
Thuraipakkam, Chennai 600 097 as per
aadhar card Res at Flat No.401, GSR
Enclave Apartment, F Zone, LBS Nagar,
VTC Vimanapura Post, Bangalore North,
Karnataka 560 017



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3.Mariamamma Babu
W/o Babu George, No.86, Vanniar II Street,
Choolaimedu, Chennai 600 094

4.Harish Damodharan
Rubi Nakshatara B Block, Krishna Nagar,
6th St, Chennai 600 045

Respondents in both the
revisions

Civil Revision Petitions filed under Article 227 of Constitution of India to set aside the order dated 03.12.2024 passed in MP Nos.4 and 5 of 2024 in MCOP No.4155 of 2023 by the Chief Court of Small Causes, Chennai.

For Petitioner(s): Mr.S.Arunkumar

For Respondent(s): Ms.H.Kavitha
For
Mr.N.M.Elumalai For R1 To R3
R4 - Unclaimed

COMMON ORDER

The revisions petitions are filed to set aside the order dated 03.12.2024 passed in MP Nos.4 and 5 of 2024 in MCOP No.4155 of 2023 by the Chief Judge, Court of Small Causes, Chennai.



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2. Before the trial Court, the revision petitioner herein filed an application in I.A.Nos.4 and 5 of 2024 to implead Veerapathiran, owner of the vehicle bearing Registration No.TN 83 8605 and the insurer of the said vehicle viz., The New India Assurance Company Ltd as respondents 3 and 4 in MCOP No.4155 of 2023.

3. The application was dismissed after hearing both sides stating that the claimant can choose the parties against whom he wants to litigate. Aggrieved against the said order, the present revisions are filed.

4. Learned counsel for the revision petitioner states that on the date of the accident, there is negligence on the part of the lorry driver, who changed the lane and due to which the accident had occurred and one of the claimants was died and therefore, he wanted to implead the owner of the lorry and the insurance company as respondents. The trial Court has failed to give opportunity to the revision petitioner to prove the case and dismissed the applications .



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5. Learned counsel for the respondents/claimants submits that the accident had occurred due to the negligence on the part of the car driver and therefore, the case is proceeded against the car driver as well as the insurance company and now the case is at the stage of trial and at this stage, to drag on the proceedings, the revision petitioner has come forward with these applications and the trial court has rightly dismissed the application, which do not require any interference.

6. I have considered the submissions made by the learned counsel on either side and perused the materials available on record.

7. On seeing the entire facts, though the case was filed against the offending vehicle viz., car, which is said to be involved in the accident, as per the counter affidavit of the second respondent, the lorry, bearing Registration No.TN 83 8605 was driven in a negligent manner, while changing the lane suddenly, due to which, the accident had occurred and in order to prove the defence, they wanted to implead the owner of the lorry as well as the insurance company and the respondents 3 and 4 and to prove the



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defence they are necessary parties. But the trial court has failed to give such opportunity.

The reasons assigned by the revision petitioner are justified by relying the decision in *Khenyei vs New India Assurance Co Ltd and others (2015 (9) SCC 273)*. It is also stated that the car driver was acquitted in criminal proceedings.

8. Only after completion of the trial, the negligence on the part of the driver of the lorry can be decided. Therefore, at this stage, if the parties are not impleaded, the valuable right of defence will get defeated.

9. In the light of the above, the order passed in MP Nos.4 and 5 of 2024 dated 03.12.2024 is set aside and liberty is granted to the respondents/claimants to raise all the defence before the trial court.

10. The trial court is directed to dispose of MCOP No.4155 of 2023 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order after giving opportunity to both the parties.



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T.V.THAMILSELVI,,J

sr

With the above directions, both the civil revision petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

23.03.2026

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Index:yes/no

website:yes/no

Speaking Order/Non-speaking order

To

The Chief Court of Small Causes, Chennai

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