



WEB COPY

CRP No. 5256 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 5256 of 2025

and

CMP.No.26455 of 2025

Muniyan (Died)

1.M.Mohanraj,
S/o. Muniyan, Res. at No. 25, 1st Plot,
Mylai Balaji Nagar, Pallikaranai,
Chennai-100.

2. Divya Bharathi
W/o. M.Mohanraj, Res. at No. 25, 1st
Plot, Mylai Balaji Nagar, Pallikaranai,
Chennai-100.

Petitioner(s)

Vs

A.Elumalai (Died)

1. United India Insurance Company
Limited
No. 24, White Road, Chennai.

2.Vasantha
W/o. Late Elumalai, Res. at No. 45C,
Ambika Street, Ramalingam Nagar
Main Road, Madipakkam, Chennai-91.

3.Vimala
D/o. Late Elumalai, Res. at No. 45C,
Ambika Street, Ramalingam Nagar
Main Road, Madipakkam, Chennai-91.



4.Gopi
S/o. Late Elumalai, Res. at No. 45C,
Ambika Street, Ramalingam Nagar
Main Road, Madipakkam, Chennai-91.

5.Mekala
D/o. Late Elumalai, W/. Sivasankar,
No. 1/171, Ambedkar Street,
Kizhkuthapakkam, Vanur Taluk,
Villupuram-102.

6.Nirmala
D/o. Late Elumalai, W/o. Sathiaraj,
Mariyhamman Koil Street, Melpathy
Post, Melpathy, Villupuram-103.

Respondent(s)

PRAYER

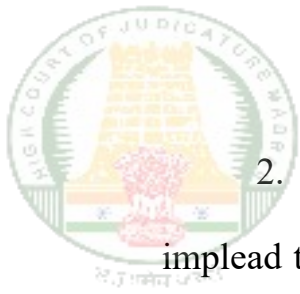
To set aside the fair and decreetal order dismissing the impleading petition dated 26.08.2025 in MP No. 18 of 2025 in OP No. 5039 of 2019 on the file of the Motor Accident Claims Tribunal, Chennai, Chief Judge, Court of Small Causes, Chennai

For Petitioner(s): Mr.A.G.F.Terry Chella Raja For
Mrs.M.Malar

For Respondent(s): Mr.D.Bhaskaran For R1
R2 To R4 - Insufficient Address
R5 – Left, R6 - Refused

ORDER

Challenging the impugned order passed in M.P. No.18 of 2025 in O.P. No.5039 of 2019, on the file of the Motor Accident Claims Tribunal (Chief Judge, Court of Small Causes, Chennai), the present revision has been preferred by the claimants.



2. Before the Tribunal, the claimants filed an application seeking to implead the daughter-in-law of the first claimant, namely Divya Bharathy, who is also the wife of the second claimant, stating that she is a dependent of the deceased first claimant and a necessary party to the proceedings.

3. The learned counsels for the insurance company submitted that the application was dismissed after considering the objections raised by the Insurance Company, contending that she is not a dependent of the deceased. He further stated that only the husband and son of the deceased were added as necessary parties as legal heirs, and that the present application was filed at a belated stage, after completion of evidence, in an attempt to obtain compensation through a backdoor method. The Tribunal, finding no proof of dependency, rightly dismissed the application. Hence, the Insurance Company prayed for dismissal of the revision.

4. The learned counsel for the revision petitioner / claimants submitted that, during the pendency of the proceedings, the husband of the deceased (the first claimant) had died. The proposed party, being the daughter-in-law of the deceased and the deponent on behalf of the first claimant, is a necessary party. Therefore, due to such necessity arising during the pendency of proceedings, the present revision has been filed.



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5. Admittedly, the trial has already commenced and the respondents evidence has also been completed. At this stage, the claimants have come forward with the present application.

6. The learned counsel for the second respondent/Insurance Company raised objections stating that even if she is a dependent, the claimants ought to have taken steps at an earlier stage and not after closure of evidence.

7. The learned counsel for the claimants relied upon the judgment of this Court in C.M.A.(MD) No.681 of 2019 dated 27.03.2023 (Susila and others vs. S. Thirumalai and others), wherein it was held that the right to file a claim petition is not restricted only to legal heirs such as wife, parents, and children, but extends to all dependents who have suffered due to the death of a person in a motor accident. Dependency is the primary criterion for awarding compensation, and mere status as a legal heir is not sufficient. The Motor Vehicles Act, being a beneficial legislation, requires a liberal and wider interpretation.

8. The learned counsel further argued that whether the proposed party is a



dependent or not can only be decided after completion of trial based on evidence, and therefore, a liberal approach should be adopted in impleading parties.

9. On consideration of the submissions made on both sides, it is seen that during the pendency of the proceedings, the claimants have filed the application to implead one Divya Bharathy as a dependent of the deceased. Admittedly, she is the wife of the second claimant. Whether she is a dependent or not can only be decided upon appreciation of evidence after completion of trial.

10. Therefore, liberty is granted to the Insurance Company to raise all its defences before the Trial Court. The Trial Court is directed to complete the proceedings within a period of 12 weeks from the date of receipt of this order.

11. Accordingly, this Civil Revision Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

23-03-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

1. The Motor accident claims Tribunal, Chennai, Chief Judge, Court of Small Causes, Chennai.

2. The Section Officer, VR Section,
High Court of Madras.



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T.V.THAMILSELVI J.
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