

IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE,
PERAMBALUR, STATE OF TAMILNADU.

Present: Thiru.V.Padmanabhan, M.A., M.L., D.H.,
Principal District Judge.

Wednesday, this the 10th day of December, 2025.

I.A.No.6/2023
in
M.C.O.P.No.130/2019

M/s Bajaj Allianz General Insurance Co. Ltd.,
Madurai.

...Petitioner/2nd Respondent.

- Vs -

1. Amutha, W/o.(L) Raja.
2. Minor Meenavarshini, D/o. (L) Raja.
3. Minor Dhiswa, D/o.(L) Raja.
4. Rajammal, W/o. Manakki. ...Respondents 1 to 4/Petitioners.
5. Kumar, S/o. Perumal. ...5th respondent/1st Respondent.
6. Saravanan, S/o. Renganathan.
7. M/s HDFC ERGO General Insurance Co. Ltd.,
Chennai. ... Respondents 6 & 7/Proposed Parties.

This petition is coming up for final hearing before me on 27.11.2025 in the presence of Thiru.S. Arunan, counsel appearing for the petitioner and Thiru.P.V. Shankar, counsel appearing for the respondents 1 to 4 and the respondents 5 to 7 are called absent set exparte, upon perusing the petition and documents and after hearing the arguments on both side, this Court has passed the following:

ORDER

The petition is filed under order 1 rule 10 and section 151 of CPC to add proposed parties as 3rd and 4th respondents in the main petition.

2. The brief averments of the affidavit appended to the petition are as follows:-

The petitioner is the 2nd respondent in the main petition. The case is posted for this petitioner's side evidence. From the evidence and the investigation report of the investigator, it is found that the two wheeler in which the deceased travelled is cause for the accident. The owner and insurer of the two wheeler bearing Reg. No. TN 01 AB 2965 are necessary party to the proceedings. If they are impleaded as parties, it will helpful to arrive the just decision of the case and who is cause for the accident. If this petition is not allowed, he will be put to irreparable loss and hardship. Hence, this petition.

3. The brief averments in the counter filed by the 1st respondent/petitioner adopted by the respondents 2 to 4 is as follows:-

The main petition is filed only against this petitioner and its insured alone. A mere cursory look of the FIR and the claim petition would show and disprove the claim of the petitioner is false. The said two wheeler was not at all cause for the accident. Therefore, the question of impleading the owner and insurer of vehicle bearing Reg.No. TN 01 AB 2965 does not arise at all. In the cross examinations Pw1 to 3, the petitioner has not raised to implead anybody. The main petition is filed in the year 2019. The petitioner/2nd respondent filed counter on 04.02.2021 after obtaining 21 hearing dates thereafter 27 hearing dates, the case is part heard for 8 hearing dates and on 28.02.2023, he has come forward with this petition on false grounds because this respondent/1st petitioner has not accepted the settlement of amount offered by the petitioner. The FIR is filed against the duty driver of the 1st respondent in the main petition. So, the 1st respondent who is liable to pay compensation jointly or severally with the 2nd respondent/petitioner. The prayer in the affidavit differs from the prayer in the petition. From the available documentary evidences, the respondents 1 and 2 in

the main petition alone are jointly or severally liable to pay compensation with interest and costs to the petitioners in the main petition. The petitioner/2nd respondent taking advantage of the situation is trying to escape from its liability by making some unfounded claim and come forward with this application on false facts to misguide and misdirect and divert the attention of this Tribunal. Therefore, there is no question of impleading anybody in this case other than the respondents 1 and 2 in the main petition.

5. During the enquiry, no evidence was adduced and no documents were marked on both side.

6. Point for consideration:-

Whether the petition has to be allowed as prayed for?

Point:

7. It is an admitted fact that the claim application is filed by the respondents 1 to 4 as against the petitioner seeking compensation for the death of one Raja who died in a motor accident. The respondents 6 and 7 are proposed parties and the petitioner wants to implead them as respondents 3 and 4 in the main petition.

8. In the affidavit filed by the petitioner it is stated that the deceased who had travelled the two wheeler was the cause for the accident; the owner and insurer of the two wheeler namely the proposed parties are necessary parties and that they may be impleaded as respondents 3 and 4 in the main petition.

9. Admittedly, the main application was filed in the year 2019 and this respondent entered into appearance on 21.03.2019. When the case is posted for respondent's side

evidence, the petitioner filed this application. In the claim application as well as in the evidence, the petitioner has specifically stated that the R1's lorry driver driven the lorry in a rash and negligent manner and caused the accident.

10. Now, the petitioner filed this application to implead the owner of the two wheeler and insurance company in which the deceased was proceeding at the time of accident as a pillion rider. As already indicated, it is specific stand of the petitioner that the driver of R1 driven the lorry in rash and negligent manner and the accident had happened. In the application, the petitioner has stated that when the case is posted for his side evidence, he filed this application. No any material is produced to show that the two wheeler rider was cause for the accident. In other words, without producing any evidence and materials, the petitioner filed this application. That be the case, the reasons stated in the application is not acceptable one. If at all, this Tribunal comes to the conclusion that the two wheeler rider also contributed negligence, there is every possibility to fix the contributory negligence. From perusal of records, it reveals that the claim application is pending from the year 2019. When the case is posted for respondent's side evidence, he filed this application after 4 years of filing of main application that too without leading any evidence.

11. Considering the above circumstances and in the interest of justice, this Court comes to the conclusion that the owner and insurance company of the two wheeler are not necessary parties to the claim application and hence, this petition is liable to be dismissed and the point is answered accordingly.

12. In the result, the petition is dismissed. No cost.

Dictated to the Executive Assistant, transcribed and typed by her in computer, corrected and pronounced by me in open Court, this the 10th day of December, 2025.

Principal District Judge,
Perambalur.

PDJ Court,
Perambalur.

Fair/Draft Order
I.A.No.6/2023
in
M.C.O.P.No.130/2019
D.D: 10.12.2025.