



**IN THE COURT OF PRINCIPAL DISTRICT JUDGE,  
RAMANATHAPURAM.**

**PRESENT: THIRU.A.K. MEHBUB ALI KHAN, B.L.M.,L.L.M.,  
PG.D.PM/IR.Dip.in.J.J & J.Psy., PG.D.D.F.,  
PRINCIPAL DISTRICT JUDGE,  
RAMANATHAPURAM.**

**Tuesday, the 25<sup>th</sup> day of November 2025**

**I.A.No. 05/2024 in  
MCOP.No.236/2023**

1. Abdullah  
2. Ayesha ... Petitioners/Petitioners

-vs-

01. A.R.Hameed Ali  
02. The Manager, Iffo Tokio General Insurance  
Company Limited, Madurai  
03. The Manager, General Insurance  
Company Limited, Madurai. ... Respondents/Respondents  
04. P.Alaguraj ... 4<sup>th</sup> Proposed Respondent/ 4<sup>th</sup>  
Respondent

This petition came on 13.11.2025 before this Court for final hearing in the presence of Thiru.K.Murali Krishnan, Advocate for the Petitioners/Petitioners Thiru. A.Dharmaraj, Advocate for the 2<sup>nd</sup> Respondent/Respondent, Thiru.M.Sakthivel, Advocate for the 3<sup>rd</sup> Respondent/ Respondent and Thiru. A.Arul Jebadurai, Advocate for the 4<sup>th</sup>



Proposed Respondent/ 4<sup>th</sup> Respondent and 1<sup>st</sup> respondent called absent, set exparte and on heard their arguments and on perusal of records, this Court delivers the following:

**ORDER**

The petition is filed by Petitioners/ Petitioners under Order 1 Rule 10(2) of Civil Procedure Code seeking implead the proposed 4<sup>th</sup> respondent as 4<sup>th</sup> Respondent.

**2. The contention of the petitioners in brief:**

The petitioners have filed the main claim petition in MCOP.No.236/2023 seeking the relief of compensation for the death of Samsudeen in a Motor Vehicle Accident. The petitioners have filed a claim petition by including Tokyo Insurance Company as the 2<sup>nd</sup> Respondent. Since the 2<sup>nd</sup> respondent is not involved in this case and the insurer for the above said vehicle in the Reliance General Insurance Company Limited, Madurai, the Branch manager, Reliance General Insurance Company Limited is impleaded as the 3<sup>rd</sup> respondent in the main claim petition. The owner of the vehicle bearing Reg.No. TN 65 T 1942 involved in this case has to be implead as 4<sup>th</sup> respondent. Therefore, it is necessary to implead the said Alaguraj as the 4<sup>th</sup> respondent in the main claim



petition. Unless, he is implead as a 4<sup>th</sup> respondent in the petition, the petitioners would be put to irreparable loss and hardships. Therefore, the petitioners pray to implead the said Alaguraj as the 4<sup>th</sup> respondent in the main claim petition.

**3. The contentions of the 4<sup>th</sup> respondent in brief:**

He has denied all the averments mentioned in the petition except that those are specifically admitted by this respondent. The cause of the above accident is the petitioners' son Samsudeen, who was driving the two wheeler and the 1<sup>st</sup> respondent. This respondent is not liable to pay the compensation amount. The 1<sup>st</sup> respondent Hameed Ali, S/o.Abdul Rashik proceeded in a Cement Colour Car bearing Reg.No.TN 65 AR 1638 at high speed without following the traffic rules and without sounding the horn and dragged the said Samsudeen who was lying on the road and caused his death. The above death occurred as a result of being hit by the 1<sup>st</sup> respondent's vehicle. On that basis, the compensation amount should be awarded by the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> respondents. This petition is liable to be dismissed as against the 4<sup>th</sup> respondent. The 4<sup>th</sup> respondent was standing on the side of the road following the traffic rules and his vehicle did not cause the accident. Therefore, the petition to implead the 4<sup>th</sup> respondent is not maintainable and be dismissed.



4. The 2<sup>nd</sup> and 3<sup>rd</sup> respondents have made endorsement in the petition that they have no counter to the petition. The 1<sup>st</sup> respondent remained exparte in the main claim petition.

5. Point for consideration in this petition is “ **Whether the petition be allowed and the proposed parties be impleaed ?**

6. No documents were filed by either side .

7. Heard the arguments on both sides.

**Answer to Point**

8. The learned counsel for the petitioners contended that the owner of the accident vehicle bearing Reg.No.TN 65 T 1942 involved in this case should be implead as 4<sup>th</sup> respondent and it is necessary to implead the said Alaguraj as the 4<sup>th</sup> respondent in the main claim petition. Per contra, the learned counsel for the 4<sup>th</sup> respondent argued that this respondent was standing on the side of the road, following the traffic rules and his vehicle did not cause the accident. Adding of 4<sup>th</sup> respondent does not control the compensation petition. Therefore, the petition to implead the 4<sup>th</sup> respondent is not maintainable and be dismissed.

9. On going through the rival submissions made on either side, it is seen that the petitioners have come forward with the present petition to implead the original owner of the accident vehicle as proposed party.



Considering the reason stated by the petitioners in the present petition this court is of the view that the original owner of the accident vehicle is a necessary party when the insurer is added as a party. The liability can be decided only after trial. Therefore, it is held that the petition be allowed as the same will not alter the nature of the main claim petition. For the reason stated above and in the interest of justice the present petition is to be allowed. This point is decided accordingly.

In the result, the petition is allowed. No cost.

Dictated to Steno-typist and transcribed and typed by her in computer, corrected and pronounced by me in open Court on this the 25<sup>th</sup> day of November 2025.

Principal District Judge,  
Ramanathapuram.

**List of witnesses on either side : NIL**

**List of documents on either side :NIL**

Principal District Judge,  
Ramanathapuram.