

**Before the Motor Accident Claims Tribunal, Ramanathapuram.
(Chief Judicial Magistrate Court, Ramanathapuram.)**

**Present : Thiru.J.Jeya Suthahar, M.Sc., L.L.M.,
Motor Accident Claims Tribunal Authority, Ramanathapuram
(Chief Judicial Magistrate, Ramanathapuram.)**

Tuesday the 24th day of March 2026

I.A.No.02/2025

in

M.C.O.P. No.64/2023

Inbam

... Petitioner/Petitioner

//Vs//

1.Sambathkumar

2. The Manager,

MAGMA HDI General Insurance Co. Ltd.,
Chennai.

... Respondents/Respondents

3. Deepak

... Proposed party

This petition came before me for final hearing on 17.03.2026 in the presence of Mr.R.Babu, Learned counsel for the petitioner, Mr.M.Sakthivel Learned counsel for the 2nd respondent and Mr.A.Thirunavukarasu, Learned counsel for the 3rd respondent/proposed party and the 1st respondent being remained exparte in the main petition and upon hearing the arguements on both side and upon perusal of records and having stood over for consideration till this day, this court doth delivers the following :-

ORDER

This petition is filed by the petitioner under Order 1 Rule 10(2) CPC to strike out the 1st respondent and to implead the proposed party as the 1st respondent in the main claim petition.

2. The averments in the petitioner's affidavit in brief:

The petitioner has filed the above petition claiming motor accident compensation. The above claim petition is pending for arguments. When the petitioner looked the documents related to the 2nd respondent, he came to know that the vehicle involved in the above case is the Yamaha FZ two wheeler bearing Regn.No.TN 65 AD 4126 and its owner is Deepak, S/o.Mari and its rider is Sairam, S/o.Mari. But in the claim petition it is wrongly stated that the two wheeler involved in the accident is TN 65 AR 4331 Yamaha FZ and its owner is the 1st respondent. So the 1st respondent is an unnecessary party to the petition. Therefore it is necessary to remove the 1st respondent from this case and to add Deepak s/o Mari who is the owner of the two-wheeler bearing Regn.No.Tn 65 AD 4126 Yamaha FZ as the 1st respondent in this case. Otherwise the petitioner will be put to and irreparable loss and great hardship. Hence this petition is filed.

3. The averments in the counter statement of the 2nd respondent in brief:

The averments in the petition are false. It is false to state that when the petitioner looked the documents related to the 2nd respondent, he came to know that the vehicle involved in the above case is the Yamaha FZ two wheeler bearing

Regn.No.TN 65 AD 4126 and its owner is Deepak, S/o.Mari and its rider is Sairam, S/o.Mari and that in the claim petition it is wrongly stated that the two wheeler involved in the accident is TN 65 AR 4331 Yamaha FZ and its owner is the 1st respondent and that hence the 1st respondent has to be removed and the proposed party has to be impleaded as the 1st respondent. Infact the 2nd respondent has stated in the counter statement that the 1st respondent's name did not found place in their policy and it was informed in the cross examination of the petitioner, and in the evidence of the Inspector of police, Kenikarai P.S and the legal manager of the 2nd respondent. But without taking into consideration of the above facts, now the petitioner has filed this petition when the case is pending for arguments and hence it is not acceptable. Hence this petition is liable to be dismissed.

4. The averments in the counter statement of the 3rd respondent in brief:

Since the averments in the above petition are against the truth, it is not maintainable in law. It is liable to be dismissed. The original case was filed in the year 2023 and now the case is at the stage of arguments. At this stage, furnishing new information about the vehicle which caused the accident and its owner will divert the case. In para 2 and 6 of the main petition it is stated that the vehicle which caused the accident is TN 65 AR 4331 (Yamaha FZ) and its owner cum driver is Sampathkumar. But in complete contradiction, now it is stated that the vehicle is TN 65 AD 4126, and the driver is Sairam and its owner is Deepak which is not tenable in law. Based on the FIR.No.98/2023 registered on 08.02.2023, the original petition has been filed. Now it is not permissible to include a vehicle and a

person who are not mentioned in the above FIR. The petitioner has stated in the main petition that Saravanakumar and Sakthivel witnessed the accident and that the above persons admitted the petitioner in the hospital through 108 ambulance and informed the petitioner's son. But now the petitioner has stated that on perusal of the documents filed by the 2nd respondent, he came to know that the particulars of the vehicle which caused the accident, the driver of the vehicle and its owner were wrongly mentioned in the petition. It completely destroyed the credibility of the petitioner. If a party has to be impleaded under Order 1 Rule 10(2) CPC, he must be a necessary party for the adjudication of the case. But when there is no connection between the accident stated in the petition and the proposed party, it is not acceptable to implead the party who is not related to the accident. It is not acceptable to blame two different persons and two different vehicles for the accident. The petitioner has filed the above petition for getting compensation from the insurance company at any cost. Hence the petition is not maintainable in law.

5. Both side no oral and documentary evidence is adduced in this petition.

6. The point for decision is whether this petition deserves to be allowed or not?

7. Admittedly the petitioner herein has filed the above claim petition against the respondents 1 and 2, claiming compensation of Rs.50,00,000/- for the injuries sustained by him in a Motor Vehicle Accident. Now the above case is pending for arguments. At this stage the petitioner has filed this petition. In the main petition it is stated that the vehicle involved in the accident is the two wheeler bearing Regn.No.TN 65 AR 4331 (Yamaha FZ) and its owner cum driver is

Sampathkumar. The said Sampathkumar was added as the 1st respondent in the claim petition. Now the petitioner has stated that the vehicle involved in the accident is the two wheeler bearing Regn.No.TN 65 AD 4126, and its driver is Sairam and its owner is Deepak and that hence the said Sampathkumar has to be strike out from the case and the proposed party has to be impleaded as the 1st respondent.

8. As already stated according to the petitioner, the vehicle involved in the accident is TN 65 AD 4126, and its driver is Sairam and its owner is Deepak and that now only he came to know about the above facts. The respondents 2 and 3 have not denied the fact that the correct registration number of the vehicle is TN 65 AD 4126, and its driver is Sairam and its owner is Deepak who is the proposed party. But according to them since the petition is filed belatedly at the time when the above case is pending for arguments, it is not maintainable. Further according to the proposed party since the vehicle number is mentioned as TN 65 AR 4331 (Yamaha FZ) in the FIR, the petitioner is not entitled to change the vehicle as TN 65 AD 4126 and to implead its owner as the 1st respondent. But as rightly pointed out by the learned counsel for the petitioner, though the vehicle number is mentioned as TN 65 AR 4331 (Yamaha FZ) in the FIR, after investigation by the police, charge sheet has been filed only against one Sairam, S/o.Mari who is the rider of the vehicle bearing Regn.No.TN 65 AD 4126, as seen from Ex.X1 in this case. It is not in dispute that the proposed party is the owner of the above said vehicle. So though the above petition is filed belatedly, considering the above facts

and circumstances of this case and in the interest of the justice this court is of the view that this petition deserves to be allowed.

9. In the result this petition is allowed. No cost.

Dictated to the Steno-typist directly and typed and printed out by her and corrected, pronounced by me in the open court on this, the 24th day of March 2026.

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Petitioner and respondents side witness and documents: NIL

Presiding Officer, MACT /
Chief Judicial Magistrate,
Ramanathapuram.

Chief Judicial Magistrate Court,
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Order
Date: 24.03.2026