

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
17.04.2026PRONOUNCED ON
30.04.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

CRP No. 3142 of 2022
and CMP.No.16851 of 2022

S.Shaji
Madthanilkarottu House, Chirakkadavu Post,
Ponnukunnam, Kanjirappally, Kottayam,
Kerala-686 506.

..Petitioner(s)

Vs

1. C.D.Babu
S/o. C.C. Devassy, Chittilappilly House, Elthuruth
Post, Laloore, Thrissur - 680 611.
2. United India Insurance Co. Ltd.,
No.104-a, Peramanur Main Road, Peramanur
Salem.
3. S. Stanley
No.46, Gopalamenon St, Choolai, Chennai - 112.
*(3rd Respondent impleaded vide court order
dated.16/12/2025 made in CMP No.17743 of
2024 in CRP No.3142 of 2022).*

..Respondent(s)

PRAYER:- Civil Miscellaneous Appeal filed under Article 227 of the Constitution of India, to set aside the award dated 04.07.2019 passed in MCOP.No.80/16, on the file of the Motor Accidents Claims Tribunal (Special Sub-Court No.2), Salem.

For Petitioner(s):

Mr.D.Vijay
for Mr.R.Thanjan

For Respondent(s):

RR1 & 3 – Not ready in notice
Ms.R.Sree Vidhya for R2

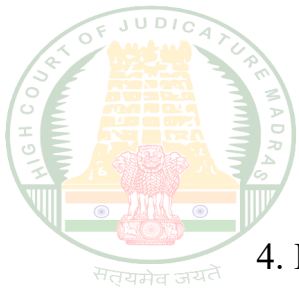


ORDER

The Civil Revision Petition has been filed challenging the award dated 04.07.2019 passed in MCOP.No.80/16, on the file of the Motor Accidents Claims Tribunal (Special Sub-Court No.2), Salem.

2. Heard Mr.D.Vijay, learned counsel for Mr.R.Thanjan, learned counsel the petitioner and Ms.R.Sree Vidhya, learned counsel appearing on behalf of the second respondent.

3. The learned counsel appearing on behalf of the petitioner would submit that an *ex parte* award had been passed against him, in the claim petition filed by the first respondent was ordered, with a direction to the second respondent to pay and recover the amount. He would submit, that no summons were served upon him with regard to the claim petition filed by the first respondent. However, he had been held *ex parte* and award had been passed, holding that the accident had happened due to the negligent driving of the vehicle owned by him, and in that process the liability was fixed upon him, with a direction to the second respondent to make good the award amount and recover it from the petitioner. He would further submit the award came to his knowledge, only when he received the notices under the Revenue Recovery Act, initiated by the second respondent.



4. He would further submit that the vehicle was sold by him as early as in the year 2011, and in that context, he would rely upon the registration certificate, pointing out the NOC issued as early as in the year 2011 to the Transport Authority at Chennai, indicating that the vehicle had been sold to the third respondent. Hence he would submit that the claim petition as against the petitioner itself is not maintainable. He would submit that when the petitioner do not own the vehicle which had caused the accident, and he not being served with summons, the award cannot be implemented against him. Hence he seeks indulgence of this court.

5. Countering his argument the Learned Counsel appearing for the second respondent submitted that on the summons being served and the same being noticed by the Claims Tribunal the petitioner was set *ex parte* and an *ex parte* award came to be passed. She would heavily contest the claim based upon the registration certificate produced before this court. She would contend that the same also as of today stands in the name of the petitioner, and he had not produced the cancellation of the registration certificate pursuant to his sale to the third respondent. That apart, she would submit that the insurance of the vehicle was also renewed only in the name of the petitioner and not in the third respondent's name as contested by him. She would further submit that the sale of vehicle was never intimated to the insurance company by the petitioner, and

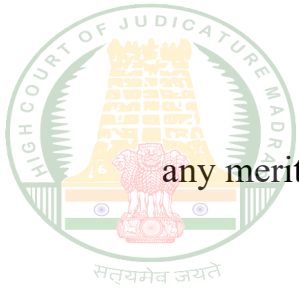


therefore it can only be the petitioner who is the owner of the vehicle and is attempting to mislead this court by claiming that he had sold the vehicle. Hence prays dismissal of the revision.

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials placed on record.

7. The primordial contention of the petitioner is that on the date of the accident, he was not the owner of the vehicle, as he had sold the vehicle as early as in the year 2011, which is evidenced by the NOC endorsement in the registration certificate. If such an NOC was issued in the year 2011, no explanation has been placed by the petitioner as to why the registration certificate still stood in his name, and as to why the insurance of the vehicle was also renewed only in his name, showing him to be the owner.

8. When a vehicle is sold, it enjoins a duty upon the owner of the vehicle to produce necessary forms before the registering authority for the transfer and cancellation of the registration certificate standing in the name of the owner, and also to intimate the insurance company that he had sold the vehicle to a third party. The petitioner had neither produced the transfer forms nor the no objection certificate, but is attempting to rely upon an endorsement which is not supported by any material documents. In such an event, this Court does not find



any merits in the Revision.

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9. Accordingly, the Revision Petition stands dismissed. Consequently the connected Miscellaneous Petition stands closed. No order as to costs.

30.04.2026

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

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To

1. The Motor Accidents Claims Tribunal
(Special Sub-Court No.2), Salem.

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



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K.KUMARESH BABU, J.

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