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R. Baburaj, vs E. Krishnankutty,

R. Baburaj, vs E. Krishnankutty,

SooperKanoon Citation : sooperkanoon.com/1310532

Court : Kerala Orders

Decided On : May-29-2024

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : OP (MAC)/158/2023

Appellant : R. Baburaj,

Respondent : E. Krishnankutty,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH WEDNESDAY, THE 29TH DAY OF MAY 2024 / 8TH JYAISHTA, 1946 OP (MAC) NO. 158 OF 2023 OPMV NO.329 OF 2021 OF MOTOR ACCIDENT CLAIMS TRIBUNAL & SPECIAL COURT FOR E.C. ACT CASES, THRISSUR PETITIONER/RESPONDENT: R. BABURAJ, AGED 49 YEARS, S/O. RADHAKRISHNAN NAIR, PALAKKOTT HOUSE, 'KRISHNENDU BHAVAN', SAMOOHAM ROAD, WEST NADA, GURUVAYOOR, GURUVAYOOR VILLAGE, THRISSUR DISTRICT, P.O. GURUVAYOOR, PIN - 680101 BY ADVS. A.R.NIMOD M.A.AUGUSTINE RESPONDENTS/PETITIONER & RESPONDENT 2:

1 E. KRISHNANKUTTY, AGED 69 YEARS S/O. GOVINDAN NAIR, EDATHALA HOUSE, KAPPIYUR DESOM, POOKODE VILLAGE, P.O. KOTTAPPADY, THRISSUR DISTRICT, PIN - 680505 2 FAROOK, AGED 42 YEARS S/O. ABDUL RAHIM, VALIYAKATH HOUSE, PALA BAZAR, BRAHMAKULAM POST, THAIKKAD VILLAGE, THRISSUR DISTRICT, PIN - 680104 :2: BY ADVS. SHIRAZ ABDULLA M.S K.ABDUL NASSAR(K/366/2011) VISHNU DEV C.S.(K/000647/2023) SOORAJ M.S.(K/717/2023) THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 29.05.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :3:

JUDGMENT

Dated this the 29th day of May, 2024 The counsel for the petitioner submits that an

order has been passed by the Motor Accidents Claim

Tribunal in Ext.P7 I.A. to set aside exparte order. The petitioner has to challenge the said order. Therefore, the petitioner may be permitted to withdraw this O.P.(MAC) with liberty to challenge the order now passed in Ext.P7 I.A. Granting such liberty, the O.P.(MAC) is dismissed as withdrawn. Sd/- N. NAGARESH JUDGE SR :4: APPENDIX OF OP (MAC) 158/2023 PETITIONER'S EXHIBITS: Exhibit-P1 TRUE COPY OF THE CLAIM PETITION NUMBERED O.P (M.V) 329/2021 BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR Exhibit-P2 TRUE COPY OF THE REGISTRATION CERTIFICATE OF VEHICLE NUMBERED KL- 46-S-2009 Exhibit-P3 TRUE COPY OF AMVI REPORT PRODUCED AS EXT-A6 IN O.P (M.V) 329/2021 BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR WITH NO. 13/2020 Exhibit-P4 TRUE COPY OF THE AWARD DATED 18.10.2022 IN O.P.MV 329/2021 BY MOTOR ACCIDENTS CLAIMS, TRIBUNAL, THRISSUR Exhibit-P5 TRUE COPY OF EXECUTION PETITION NUMBERED E.P 197/2022 IN O.P(M.V) Exhibit-P6 TRUE COPY OF THE ORDER IN E.P 13.03.2023 Exhibit-P7 TRUE COPY OF I.A 3/2023 IN OP(MV) TRIBUNAL, THRISSUR DATED 25.08.2023 Exhibit-P7 EXT-

P7 TRANSLATION Exhibit-P8 TRUE COPY OF I.A 4/2023 IN OP(MV) TRIBUNAL, THRISSUR DATED 25.08.2023 Exhibit-P8 EXT-P8 TRANSLATION

Exhibit-P9 TRUE COPY OF THE REVIEW PETITION E.AExhibit-P

THRISSUR DATED 05.09.2023 :5: Exhibit-P10 EXT-P10 TRANSLATION.

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