

K. Santhosh, vs Bindhu.E.P.V.,

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Court : Kerala

Decided On : Dec-22-2023

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : OP (MAC)/81/2023

Appellant : K. Santhosh,

Respondent : Bindhu.E.P.V.,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH FRIDAY,
THE 22ND DAY OF DECEMBER 2023 / 1ST POUSHA, 1945 OP (MAC) NO. 81
OF 2023 AGAINST ORDER IN IA NO.1/2021 IN OPMV 359/2019 OF MOTOR
ACCIDENT CLAIMS TRIBUNAL , TALIPARAMBA DATED 4.03.2023
PETITIONERS: 1 K. SANTHOSH, AGED 54 YEARS S/O. DAMODARAN, F/O.
AKHILESH.K, KIZHAKKE MADAPPATTU HOUSE, PO. NHEKLI, KARIPPODE,
PERINGOME VIA, KANNUR DISTRICT, PIN - 670353 2 M.BINDHU, AGED 49
YEARS W/O.K. SANTHOSH, MADATHANIKUNNEL HOUSE, P.O. NHEKLI,
KARIPODE, PERINGOME VIA, KANNUR DISTRICT, PIN - 670353 S.S.ARAVIND
M.V.AMARESAN RESPONDENTS:

1 BINDHU.E.P.V., AGED 46 YEARS W/O.RAMESAN MATTATHIL, EDADAN VEEDU, PERINGOME, PO. 2 RAMESAN MATTATHIL, AGED 50 YEARS S/O.NARAYANAN NAIR, MATTATHIL, PERINGOME, PO. PERINGOME, KANNUR DISTRICT, PIN - 670307 3 RAHNA.E.V, AGED 24 YEARS D/O. RAMESAN MATTATHIL, EDAVAN VEEDU, PERINGOME, PO. 4 NEW INDIA ASSURANCE CO.LTD, REPRESENTED BY ITS BRANCH MANAGER, PAYYANUR BRANCH , SOUTH BAZAR, TEMPLE ROAD, PAYYANUR P.O, KANNUR DISTRICT, PIN - M.ANUROOP GEORGE A.CHERIAN MURSHID ALI M. GEORGE CHERIAN (SR.) SOUMYA FRANCIS

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 22nd day of December, 2023 The present Original petition has been filed impugning Ext.P2 order, whereby the request of the petitioners for joint trial of OP(MV) No.359/2019 as well as OP(MV) No.604/2019 pending before the Motor Accident Claims Tribunal, Taliparamba has been rejected. Both the OP(MV)s are the result of one and the same accident. Evidence of both the OP(MV)s would be almost the same. Therefore, this Court find that the trial and decision separately in each OP(MV)s would result in injustice and therefore, in the interest of justice both the OP(MV)s should be tried together.

2. Thus, the present Original Petition is

allowed. Ext.P2 order is set aside. The Motor Accident Claims Tribunal, Taliparamba is directed to conduct trial of OP(MV) Nos.359/2019 and 604/2019 together and pass final decision in both the OP(MV)s together. Needless to say that the evidence needs to be examined as fresh. With the aforesaid direction, the original petition stands finally disposed of. Sd/- DINESH KUMAR SINGH JUDGE AP APPENDIX OF OP (MAC) 81/2023 PETITIONER EXHIBITS Exhibit-P1 TRUE COPY OF THE I.A. 01/2021 IN O.P(MV) PETITIONERS BEFORE THE MOTOR

ACCIDENT CLAIMS TRIBUNAL, TALIPARAMBA . Exhibit-P2 TRUE COPY OF ORDER IN I.A 1/2021 IN OP(MV) CLAIMS TRIBUNAL, TALIPARAMBA DATED 4-3-2023 Exhibit-P3 TRUE COPY OF OP(MV) 359/2019 FILED BY THE RESPONDENTS NO.1 TO 3 HEREIN BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, TALIPARAMBA DATED 29-7-2019 Exhibit-P4 TRUE COPY OF OP(MV) 604/2019 FILED BY THE PETITIONERS HEREIN BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, TALIPARAMBA DATED 29-10-2019

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