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Ayshabi vs Sandhya

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SooperKanoon Citation : sooperkanoon.com/1439100

Court : Kerala

Decided On : Dec-22-2023

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : OP (MAC)/174/2023

Appellant : Ayshabi

Respondent : Sandhya

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. 174 OF 2023 AGAINST THE ORDER/JUDGMENT OPMV 334/2018 OF MOTOR ACCIDENT CLAIMS TRIBUNAL , IRINJALAKUDA PETITIONERS:

1 AYSHABI AGED 58 YEARS W/O LATE ABOOBACKER, KUNNUGAL HOUSE, PATHAZHAKKAD DESOM. S.N PURAMVILLAGE, 2 HANEEFA AGED 42 YEARS S/O LATE ABOOBACKER KUNNUGAL HOUSE, PATHAZHAKKAD DESOM S.N PURAM VILLAGE, 3 HASEENA AGED 40 YEARS D/O LATE ABOOBACKER, KUNNUGAL HOUSE,PATHAZHAKKAD DESOM S.N PURAMVILLAGE, 4 HARIS

AGED 39 YEARS S/O LATE ABOOBACKER KUNNUGAL HOUSE,PATHAZHAKKAD DESOM S.N PURAMVILLAGE, MATHILAKAM, THRISSUR, PIN - 680668 5 AABITHA AGED 35 YEARS D/O LATE ABOOBACKER PATHAZHAKKAD DESOM, KUNNUGAL HOUSE S.N PURAMVILLAGE, MATHILAKAM, THRISSUR, PIN - 680668 BY ADVS. K.R.PRATHISH P.K.SREEVALSAKRISHNAN ..2..

RESPONDENTS:

1 SANDHYA AGED 43 YEARS W/O VINOD, ELANNACKAL HOUSE KODUNGALLUR P.O, LOKAMALESWARAM, THRISSUR (OWNER OF THE VEHICLE BEARING REG. NO. KL 47 D 2935), PIN - 680664 2 ADHARSH AGED 22 YEARS S/O VINOD &SANDHYA, ELANNACKAL HOUSE, KODUNGALLUR P.O, LOKAMALESWARAM, THRISSUR (DRIVER OF THE VEHICLE BEARING REG. NO. KL 47 D 2935), PIN - 680664 3 UNITED INDIA INSURANCE COMPANY LTD. TRICHUR TRADE CENTRE, KURUPPAM ROAD REP BY ITS MANAGER (POLICY NO. 1018003116P107533335, VALID FROM 08/09/2016 TO 07/09/2017) (INSURER OF THE VEHICLE BEARING REG. NO. KL 40 E 6612), PIN -

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 22.12.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..3.. DINESH KUMAR SINGH, J ========== ========== Dated this the 22nd day of December, 2023

JUDGMENT

The present Writ Petition has been filed with the following prayers:

i) To call for the records pertaining to the I.A. No. 1 of 2021 In O.P. (M.V) No. 334 of 2018 pending before the Hon'ble MAC Tribunal, Irinjalakkuda and direct the MAC Tribunal, Irinjalakkuda to dispose the I.A. No. 1 of 2021 In O.P. (M.V) No. 334 of 2018 within a time frame fixed by this

Hon'ble court. ii) Dispense with filing of the translation of documents in Malayalam produced pelition (MAGF as Ext.P2 in the above Original peti HIGH iii) Such other order or direction this proper in the circumstances of the case. ble Court deem fit and proper in the circumstances of the case.

Considering the fact that the restoration application under Order 9 Rule 9 filed by the petitioner is pending since 2021, the Motor Accidents Claims Tribunal, Irinjalakuda, is directed to pass appropriate orders in accordance with the law in I.A.No.1/2021 in O.P.(M.V.)No.334/2018 expeditiously, preferably within a period of one month. Sd/- DINESH KUMAR SINGH JUDGE ACR ..4.. APPENDIX OF OP (MAC) 174/2023 PETITIONER EXHIBITS Exhibit P1 THE TRUE COPY OF THE CLAIM PETITION DATED 24/02/2018 Exhibit P2 THE TRUE COPY OF THE I.A.NO. 1/2021 IN DATED 09.03.2021

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