

The Divisional Manager vs Prasanth

The Divisional Manager vs Prasanth

SooperKanoon Citation : sooperkanoon.com/1640444

Court : Kerala

Decided On : Sep-08-2021

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Tr.P(C)/294/2021

Appellant : The Divisional Manager

Respondent : Prasanth

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 8TH DAY OF SEPTEMBER 2021 / 17TH BHADRA,
1943 TR.P(C) NO. 293 OF 2021 AGAINST THE ORDER/JUDGMENT IN
OPMV 870/2019 OF MOTOR ACCIDENT CLAIMS TRIBUNAL
,NEYATTINKARA, THIRUVANANTHAPURAM PETITIONER/S: THE
THE DIVISIONAL MANAGER, NEW INDIA ASSURANCE COMPANY
LIMITED, HUB, PRESS ROAD, PULIMOODU, GPO JN,,
THIRUVANANTHAPURAM-1, REPRESENTED BY ITS ASSISTANT
MANAGER, REGIONAL OFFICE, ERNAKULAM-682011. BY ADVS. LAL
K.JOSEPH (K/677/1997)-16757 SURESH SUKUMAR RESPONDENT/S:
1 REENA F., AGED 40 YEARS W/O. BINU, RESDING AT

VENKARATHALA, PUTHENVEEDU, THOVELLORKONAM, KATTAKKADA P.O., KULATHUMMAL, THIRUVANANTHAPURAM-695572. 2 KUNJUMON KUNJUMON MANZIL, TC 34/1315, AIRPORT ROAD, VALLAKADAVU P.O., THIRUVANANTHAPURAM - 695 003. 3 SREEKANTH M.S., S/O. MOHANAN K., SALINI BHAVAN, KATTACHALKONAM, PALLIMUKKU, PEYADU P.O., THIRUVANANTHAPURAM - 695 573. THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.09.2021, ALONG WITH Tr.P(C).310/2021, 305/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 8TH DAY OF SEPTEMBER 2021 / 17TH BHADRA,
1943 TR.P(C) NO. 310 OF 2021 AGAINST THE ORDER/JUDGMENT IN
OPMV 1291/2018 OF MOTOR ACCIDENT CLAIMS TRIBUNAL
,NEYYATTINKARA, THIRUVANANTHAPURAM PETITIONER/S: THE
NEW INDIA ASSURANCE COMPANY LIMITED, HUB, PRESS ROAD,
PULIMOODU, GPO JN, THIRUVANANTHAPURAM-1, REP. BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE, ERNAKULAM, PIN-
682011. BY ADVS. LAL K.JOSEPH T.A.LUXY SURESH SUKUMAR
ANZIL SALIM CHACKO MATHEWS K. RESPONDENT/S: 1 SHEEBA
AGED 33 YEARS W/O.GODSINGH, RESIDING AT CHRIST BHAVAN,
KUTTOORVILAPUTHEN VEEDU, ALAMPOTTA,
PERUMPAZHUTHOOR P.O., NEYYATTINKARA TALUK,
THIRUVANANTHAPURAM-695126. 2 KUNJUMON, KUNJUMON
MANZIL, TC 34/1315, AIRPORT ROAD, VALLAKADAVU P.O.,
THIRUVANANTHAPURAM-695008. 3 SREEKANTH.M.S,
S/O.MOHANAN.K, SALINI BHAVAN, KATTACHALKONAM,
PALLIMUKKU, PEYADU P.O., THIRUVANANTHAPURAM-695573.
THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.09.2021, ALONG WITH Tr.P(C).293/2021 AND

CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 8TH DAY OF SEPTEMBER 2021 / 17TH BHADRA,
1943 TR.P(C) NO. 305 OF 2021 AGAINST THE ORDER/JUDGMENT IN
OPMV 1339/2018 OF MOTOR ACCIDENT CLAIMS TRIBUNAL
,NEYATTINKARA, THIRUVANANTHAPURAM PETITIONER/S: THE
DIVISIONAL MANAGER, THE NEW INDIA ASSURANCE COMPANY
LIMITED THE NEW INDIA ASSURANCE COMPANY LIMITED, HUB,
PRESS ROAD, PULIMOODU, GOP JN., THIRUVANANTHAPURAM-1,
REPRESENTED BY ITS ASSISTANT MANAGER, REGIONAL OFFICE,
ERNAKULAM, PIN- 682 011.

BY ADV LAL K.JOSEPH RESPONDENT/S: 1 SARANYA AGED 32
YEARS D/O.VIJAYAKUMARI, RESIDING AT SARANYABHAVAN,
CHERIYANKARA, VAZHICAL P.O., OTTASEKHARAMANGALAM
VILLAGE, NEYYATTIKARA, THIRUVANANTHAPURAM-695 125. 2
KUNJUMON, KUNJUMON MANZIL, TC 34/1315, AIRPORT ROAD,
VALLAKADAVU P.O., THIRUVANANTHAPURAM-695 003. 3
SREEKANTH.M.S., S/O.MOHANAN.K., SALINI BHAVAN,
KATTACHALKONAM, PALLIMUKKU, PEYADU P.O.,
THIRUVANANTHAPURAM-695 573. 4 THE MANAGING DIRECTOR
KSRTC TRANSPORT BHAVAN, FORT, TRIVANDRUM P.O., PIN-695
501. 5 THE MANAGER NATIONAL INSURANCE COMPANY, K K
BUILDING, ARISTO JUNCTION, THAMPANOOR, TRIVANDRUM-695
014. BY ADVS. P.N.SUKUMARAN P.C.CHACKO(PARATHANAM) THIS
TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08.09.2021, ALONG WITH Tr.P(C).293/2021 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 8TH DAY OF SEPTEMBER 2021 / 17TH BHADRA,
1943 TR.P(C) NO. 294 OF 2021 AGAINST THE ORDER/JUDGMENT IN
OPMV 871/2019 OF MOTOR ACCIDENT CLAIMS TRIBUNAL
,NEYATTINKARA, THIRUVANANTHAPURAM PETITIONER/S: THE
DIVISIONAL MANAGER NEW INDIA ASSURANCE COMPANY
LIMITED,HUB, PRESS ROAD, PULIMOODU, GPO JN,
THIRUVANANTHAPURAM-1, REP BY ITS ASSISTANT, MANAGER,
REGIONAL OFFICE, ERNAKULAM ,PIN-682 BY ADV LAL K.JOSEPH
(K/677/1997)-16757 RESPONDENT/S:

1 PRASANTH AGED 40 YEARS S/O RAMACHANDRAN NAIR, AGED
40 YEARS, RESIDING AT CHEENAMVILAKOMVEEDU,
MANGALAKKAL, KOMBADIKKAL, KULATHUMMAL VILLAGE,
THIRUVANANTHAPURAM-695 572. 2 KUNJUMON, KUNJUMON
MANZIL, TC 1315, AIRPORT ROAD, VALLAKADAVU
P.O.THIRUVANANTHAPURAM-695 003. 3 SREEKANTH M S, S/O
MOHANAN K , SALINI BHAVAN, KATACHALKONAM, PALLIMUKKU,
PEYADU P.O, THIRUVANANTHAPURAM-695 573. THIS TRANSFER
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

08.09.2021, ALONG WITH Tr.P(C).293/2021 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 8TH DAY OF SEPTEMBER 2021 / 17TH BHADRA,
1943 TR.P(C) NO. 307 OF 2021 AGAINST THE ORDER/JUDGMENT IN
OPMV 878/2019 OF MOTOR ACCIDENT CLAIMS TRIBUNAL
,NEYATTINKARA, THIRUVANANTHAPURAM PETITIONER/S: THE
DIVISIONAL MANAGER, NEW INDIA ASSURANCE COMPANY LTD.

HUB, PRESS ROAD, PULIMOODU, GPO JN., THIRUVANANTHAPURAM- 1, REPRESENTED BY ITS ASSISTANT MANAGER, REGIONAL OFFICE, ERNAKULAM, PIN-682 011. BY ADVS. LAL K.JOSEPH SURESH SUKUMAR RESPONDENT/S: 1 MONISHA AGED 29 YEARS D/O.MOHANAN, THOLIKODU ROAD, ARIKATHUVEEDU, MOONGODU, KOLLODE P.O., THIRUVANANTHAPURAM-695 571. 2 KUNJUMON *(DELETED) KUNJUMON MANZIL, TC 34/1315, AIRPORT ROAD, VALLAKADAVU P.O., THIRUVANANTHAPURAM-695 003.*(AS PER THE ORDER IN I.A NO.2 OF 2021 DATED 8.09.2021) 3 SREEKANTH.M.S., S/O.MOHANAN.K., SALINI BHAVAN, KATTACHALKONAM, PALLIMUKKU, PEYADU P.O., THIRUVANANTHAPURAM-695 573. 4 THE MANAGING DIRECTOR, KSRTC, TRIVANDRUM-695 023. 5 PRASANTH, S/O.RAMACHANDRAN NAIR, CHEERANVILAKATHU VEEDU, KOMBADIKAL, MANGALAKKAL, KULATHUMMAL VILLAGE, KATTAKADA P.O., PIN-695 572. 6 THE MANAGER, NATIONAL INSURANCE COMPANY, K K BUILDING, ARISTO JUNCTION, THAMPANOOR, TRIVANDRUM-695 014. BY ADV P.C.CHACKO(PARATHANAM) THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08.09.2021, ALONG WITH Tr.P(C).293/2021 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 8th day of September, 2021 These transfer petitions are filed seeking transfer of OP(M.V) Nos.870 of 2019, 871 of 2019, 1339 of 2018, 878 of 2019 and 1291 of 2018, pending before the Motor Accidents Claims Tribunal, Neyyanttinkara to the Motor Accidents Claims Tribunal, Thiruvananthapuram, to be taken up with OP(M.V) No.2961 of 2018 and connected cases pending before Motor Accidents Claims Tribunal, Thiruvananthapuram. The short facts are that 21 claim petitions were filed pursuant to a road traffic accident on 1.09.2018 involving a KSRTC bus and a private bus. Five of those petitions were filed before the Motor Accidents Claims Tribunal, Neyyanttinkara and the other 16 before the

Motor Accidents Claims Tribunal, Thiruvananthapuram. The insurer of the KSRTC bus has filed these transfer petitions seeking transfer of the five cases pending before the Motor Accidents Claims Tribunal, Neyyattinkara. It is the petitioners case that the evidence to be tendered, both oral and documentary, in all these cases are common and only the claimants are different. Therefore, in order to avoid multiplicity of proceedings and conflicting decisions, it is necessary to transfer the petitions. 2.I heard the learned counsel appearing for the claimants / respondents in some of these matters. It is submitted that the respondents have no objection in their original petitions being transferred. In the result, the transfer petitions are allowed. OP(M.V) Nos.870 of 2019, 871 of 2019, 1339 of 2018, 878 of 2019 and 1291 of 2018 before the Motor Accidents Claims Tribunal, Neyyattinkara shall forthwith to be transferred to the Motor Accidents Claims Tribunal, Thiruvananthapuram. Sd/- V.G ARUN JUDGE SJ APPENDIX OF TR.P(C) 310/2021 PETITIONER ANNEXURE Annexure A1 THE PHOTOCOPY OF THE CLAIM PETITION IN OP(M.V)1291/2018 BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA. Annexure A2 TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2961/2018 ON THE FILE OF THE MOTOR Annexure A2(A) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2962/2018 ON THE FILE OF THE MOTOR Annexure A2(B) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2963/2018 ON THE FILE OF THE MOTOR Annexure A2(C) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2964/2018 ON THE FILE OF THE MOTOR Annexure A2(D) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2965/2018 ON THE FILE OF THE MOTOR Annexure A2(E) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2966/2018 ON THE FILE OF THE MOTOR Annexure A2(F) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2967/2018 ON THE FILE OF THE MOTOR Annexure A2(G) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2968/2018 ON THE FILE OF THE MOTOR Annexure A2(H) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2969/2018 ON THE FILE OF THE MOTOR Annexure A2(I) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2970/2018 ON THE FILE OF THE MOTOR Annexure A2(J) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.2971/2018 ON THE FILE OF THE MOTOR Annexure A2(K) TRUE COPY OF THE CLAIM PETITIONS IN

O.P(M.V)NO.2992/2018 ON THE FILE OF THE MOTOR Annexure A2(L) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.3038/2018 ON THE FILE OF THE MOTOR Annexure A2(M) TRUE COPY OF THE CLAIM PETITIONS IN O.P(M.V)NO.3244/2018 ON THE FILE OF THE MOTOR Annexure A2(N) TRUE COPY OF THE CLAIM PETITION IN

O.P(M.V)NO.3246/2018, O.P(M.V)NO.3283/2018 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, THIRUVANANTHAPURAM.

Annexure A2(O) TRUE COPY OF THE CLAIM PETITION IN O.P(M.V)NO.3283/2018 ON THE FILE OF THE MOTOR APPENDIX OF TR.P(C) 305/2021 PETITIONER ANNEXURE ANNEXURE A1 THE PHOTOCOPY OF THE CLAIM PETITION IN OP(MV) TRIBUNAL, NEYYATTINKARA. ANNEXURE A2 TRUE COPY OF THE CLAIM PETITION IN OP (MV) NO.2961/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(A) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2962/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(B) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2963/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(C) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2964/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(D) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2965/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(E) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2966/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(F) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2967/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(G) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2968/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(H) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2969/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(I) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2970/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(J) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2971/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(K) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.2992/2018 ON THE FILE OF THE MOTOR ACCIDENT ANNEXURE A2(L) TRUE COPY OF THE CLAIM PETITIONS IN OP (MV) NO.3038/2018 ON

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