

Geeja Jeevan vs Chandradathan

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Court : Kerala

Decided On : Nov-24-2021

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : Tr.P(C)/736/2019

Appellant : Geeja Jeevan

Respondent : Chandradathan

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN
WEDNESDAY, THE 24TH DAY OF NOVEMBER 2021 / 3RD
AGRAHAYANA, 1943 AGAINST THE ORDER/JUDGMENT IN OP(MV)
463/2016 OF MOTOR ACCIDENT CLAIMS TRIBUNAL,ALAPPUZHA
PETITIONER/S:

1 GEEJA JEEVAN AGED 38 YEARS, W/O. LATE JEEVAN C. DATHAN,
NISHA SADANAM, VAZHAPPILLYKATTIL, PERUMBALAM P.O,
ARoor, CHERTHALA, PIN-688 570, ALAPPUZHA DISTRICT, NOW
RESIDING AT VADAVELIKKAKATH HOUSE, EDAPPALLY P.O,
ERNAKULAM DIST.-682 024 AND NOW WORKING AT INDEX

PRINTERS, EDAPPALLY RAGHAVAN PILLAI ROAD, EDAPPALLY P.O, ERNAKULAM DISTRICT-682 024 2 NAMITHA JEEVAN, AGED 16 YEARS,D/O. LATE JEEVAN C. DATHAN, MINOR REPRESENTED BY HER MOTHER GEEJA JEEVAN, AS A NEXT FRIEND, NISHA SADANAM, VAZHAPPILLYKATTIL PERUMBALAM P.O, RESIDING AT VADAVELIKAKATH HOUSE, EDAPPALLY P.O, RESIDING AT VADAVELIKAKATH HOUSE, EDAPPALLY P.O, 682 024 3 SREYA JEEVAN, AGED 12 YEARS, D/O. LATE JEEVAN C DATHAN, MINOR REPRESENTED BY HER MOTHER GEEJA JEEVAN, AS A NEXT FRIEND, RESIDING AT NIOSHA SADANAM, VAZHAPPILYKATTIL, RESIDING AT VADAVELIKKAK HOUSE, EDAPPALLY P.O-682 024 BY ADVS. E.D.GEORGE KUM.LINU G. NATH

RESPONDENT/S: 1 CHANDRADATHAN AGED 71 YEARS, S/O. GOVINDAN, AND F/O. LATE JEEVAN C DATHAN, NISHA SADHANAM, JEEVALAYAM, PERUMBALAM P.O, CHERTHALA-688 570 2 BABY SAROJAM AGED 71 YEARS, W/O. CHANDRADETHAN, JEEVALAYAM, PERUMBALAM P.O, CHERTHALA-688 570 3 ANDREWS MATHEW, VEMBANATTU HOUSE, PUTHIYAKAVU, THRIIPPUNITHURA, ERNAKULAM DISTRICT, PIN-682 301, (OWNER OF TIPPER LORRY NO. KL/07/AP/5177) 4 JOSEPH S/O. OUSHEPH, VATTETHARA HOUSE, THAIKKATTUSSERY P.O, CHERTHALA, PIN-688 528 (DRIVER OF TIPPER LORRY), (OWNER OF TIPPER LORRY NO. KL/07/AP/5177). 5 THE UNITED INDIA INSURANCE CO. LTD. JOSE TRUST BUILDING, 3644, CHITTOR ROAD, KOCHI-682 035, ERNAKULAM, (INSURER OF TIPPER LORRY). BY ADVS. V.S.BHASKARAN SRI.P.K.MANOJKUMAR,SC,UNITED INDIA INSU SRI.N.RADHAKRISHNAN THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.11.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER

Dated this the 24th day of November, 2021 The wife and children of one Jeevan.C.Dathan, who died in a motor accident, are the petitioners herein. The death of Jeevan.C.Dathan resulted in two original petitions being filed before different Motor Accidents Claims Tribunal. O.P.(M.V) No.463 of 2016 on the files of the Motor Accidents Claims Tribunal, Alappuzha is filed by the parents of the deceased and O.P.(M.V) No.1939 of 2019 by the petitioners, before the Motor Accidents Claims Tribunal, Ernakulam. The petitioners seek transfer of O.P.(MV) No.463 of 2016 from the Motor Accidents Claims Tribunal, Alappuzha to the Motor Accidents Claims Tribunal, Ernakulam.

2. I heard the learned Counsel for the petitioners and

the learned Counsel appearing for respondents 1 and 2. The learned Counsel for the petitioners submitted that, petitioners being the wife and children of the deceased, preference should be given to their original petition and the original petition filed by the parents should be transferred to Ernakulam. On the other hand, the contention of the learned Counsel for respondents 1 and 2 is that the respondents being aged and ailing, will be put to undue hardship and misery, if their case is transferred. The learned Counsel for the petitioners fairly submitted that the petitioners are more interested in the cases being decided at the earliest and hence, they have no objection in their original petition being transferred to the Motor Accidents Claims Tribunal, Alappuzha. Being so, the transfer petition is disposed of as under; O.P.(MV) No.1939 of 2019 on the file of the Motor Accidents Claims Tribunal, Ernakulam shall forthwith be transferred to the Motor Accidents Claims Tribunal, Alappuzha to be taken up along with O.P.(MV) No.463 of 2016. As the claim pertains to an accident of the year, 2015, the Motor Accidents Claims Tribunal, Alappuzha shall take earnest efforts to dispose the original petitions within six months of receipt of the records of the transferred original petition. Sd/- V.G.ARUN JUDGE RK APPENDIX OF TR.P(C) 736/2019 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF O.P.M.V. NO. 463/2016 PENDING BEFORE THE ALAPPUZHA EXHIBIT P2 TRUE COPY OF O.P.M.V NO. 1939/2019 PENDING BEFORE THE MACT ERNAKULAM.