

Sidique vs C. Ramesh

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Court : Kerala Orders

Decided On : Oct-28-2019

Judge : Honourable Mr. Justice Anil K.Narendran

Appeal No. : MACA/2018/2018

Appellant : Sidique

Respondent : C. Ramesh

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN MONDAY,
THE 28TH DAY OF OCTOBER 2019 / 6TH KARTHIKA, 1941 AGAINST THE
AWARD IN OPMV 752/2014 DATED 08-01-2018 OF MOTOR ACCIDENT
CLAIMS TRIBUNAL, MANJERI APPELLANTS:

1 SIDIQUE, 2 FAISAL, AGED 32 YEARS, S/O.MOHAMMAD ASHARAF,
3 HAJARABI, AGED 31 YEARS, D/O.MOHAMMAD ASHARAF, 4
ABDUL SAMAD, AGED 27 YEARS, S/O.MOHAMMAD ASHARAF, 5
ABDUL VAHID, AGED 24 YEARS, S/O.MOHAMMAD ASHARAF, 6
PATHUMMA, AGED 81 YEARS, W/O.MAMMAD, KARATTCHALIL
HOUSE, MANJERI COLLEGE P.O., MALAPPURAM DISTRICT, PIN-

RESPONDENTS: 1 C. RAMESH, NORTH - ANDUKUDI, SIVAGANGA DISTRICT, TAMIL NADU, PIN-630 702. 2 THE MANAGING DIRECTOR, TAMIL NADU STATE TRANSPORT CORPORATION LTD., KUMBAKONAM, KARAKKUDI REGION, TAMIL NADU, PIN-612 001. THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 28.10.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

The appellants are the claimants in O.P.(MV) No.752 of 2014 on the file of the Motor Accidents Claims Tribunal, Manjeri, which is a claim petition filed under Section 166 of the Motor Vehicles Act claiming compensation on account of the death of one Nabeesa, who died in a motor accident, which occurred on 12.02.2013 involving a bus bearing registration No.TN-63/N-1171 driven by the 1st respondent and owned by the 2nd respondent Tamil Nadu State Road Transport Corporation Limited. In the claim petition, the appellants claimed a total compensation of Rs.5,00,000/- under various heads.

2. The Tribunal by impugned award, awarded a total

compensation of Rs.10,67,500/- together with interest at the rate of 9% per annum from 21.06.2014 till the date of deposit. The said award was an ex-parte award.

3. In this appeal, it is contended that the compensation awarded by the Tribunal under various heads are on the lower side.

4. On 10.08.2018, when this appeal came up for -4- admission, this Court issued notice to the respondents.

5. Despite service of notice, none appears for respondents 1 and 2.

6. Today, when this case is taken up for

consideration, it is pointed out by the learned counsel for the appellants that, on an application filed by respondents 1 and 2, the Tribunal set aside the ex-parte award. Thereafter, a fresh award has already been passed, which is under challenge in another appeal. Therefore the learned counsel for the appellants seeks permission to withdraw this appeal, without prejudice to the right of the appellants to prosecute the appeal filed against the fresh award. In the result, recording the above submission made by the learned counsel for the appellants, this appeal is dismissed as withdrawn, without prejudice to the aforesaid right of the appellants.

Sd/- ANIL K. NARENDRAN JUDGE bpr

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