

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

MACA.No. 1683 of 2008 ()

**AGAINST THE ORDER IN OP(MV) 826/2000 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,
KALPETTA, WAYANAD DATED 30-07-2007
APPELLANT/PETITIONER:**

**K.J.JOHN, S/O.JOSEPH
KALAMBATH HOUSE, NENMENIKUNNU PO., THOTTAMOOLA
NOOLPUZHA AMSOM, DESOM., SULTHAN BATHERY
WAYANAD DISTRICT.**

BY ADV. SRI.V.BINOY RAM

RESPONDENTS/RESPONDENTS:

- 1. SABU, S/O.JOSEPH, PALLATHU HOUSE
BITHERKAD, PANTHALUR, GUDULUR
THE NILGIRIS, TAMILNADU.**
- 2. P.T.BABU, FATHER'S NAME NOT KNOWN
PALLATHU HOUSE, BITHERKAD,
PANTHALUR, GUDULUR, THE NILGIRIS
TAMILNADU.**
- 3. UNITED INDIA INSURANCE CO.LTD.,
GUDULUR, THE NILGIRIS, TAMILNADU.**

R1 & 2 BY ADV. SMT.CELINE JOSEPH

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
21-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

shg/

T.R. RAMACHANDRAN NAIR & K.P. JYOTHINDRANATH, JJ.

M.A.C.A. No.1683 of 2008

Dated this the 21st day of May, 2015

J U D G M E N T

K.P. Jyothindranath, J.

This appeal is preferred against the dismissal order of the claim petition filed by the appellant/petitioner claiming compensation for injuries sustained in a motor accident occurred on 07.08.1999. The case of the appellant is that while the appellant was travelling in a jeep, they met with an accident on Ootty – Coonoor road near C.F.A. Hospital, Aruvankad. In the said accident, the appellant as well as others sustained injuries.

2. When the appeal came up for hearing, the main submission made before us is that there was other claim petitions also which arose from the very same accident. It is specifically submitted before us that O.P.(M.V.) No.6/2002 which was also filed before the Motor Accidents Claims Tribunal, Kalpetta was awarded. But on the ground that police records are not produced, this petition

dismissed.

3. After hearing the parties, it came out that award referred as O.P.(M.V.) No.6/2002 which arose from the very same accident already became final. If that is so, it is only just and proper to give an opportunity to the appellant to produce documents required to substantiate his claim. Under such circumstances, the impugned order is hereby set aside and remanded back for fresh consideration. Surely, the parties are at liberty to adduce evidence including oral evidence.

The parties shall appear before the Motor Accidents Claims Tribunal, Kalpetta on 29.06.2015.

The registry is directed to send back the file.

Sd/-

T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-

K.P. JYOTHINDRANATH
JUDGE

shg/