

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 23RD DAY OF SEPTEMBER 2015/1ST ASWINA, 1937

OP (MAC).No. 111 of 2015 (O)

AGAINST THE RETURN OF UNNUMBERED ORIGINAL PETITION (MV) BY
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALAKKAD
ON THE GROUND OF JURISDICTION

PETITIONER/FIRST CLAIMANT:

SUHARA.P., AGED 38 YEARS, W/O. ABOOBAKKAR,
PARIYARAN, CHUNDOTTUKUNNU, KAIRALI VAYANASALA,
KUDIYANKUNNU, EDATHANATTUKARA, PALAKKAD DISTRICT.

BY ADVS. SRI. BINOY VASUDEVAN
SMT. P.G. BABITHA

RESPONDENTS/RESPONDENTS:

1. CHANDRASEKHARAN, AGED 32 YEARS,
S/O. NARAYANAN, ERAKUNNU VEEDU,
UPPUKULAM POST, PALAKKAD DISTRICT 678 103.
2. UNITED INDIA INSURANCE CO. LTD.,
DIVISIONAL OFFICE, MALABAR FORT BUILDING,
G.B. ROAD, PALAKKAD.

COMMUNICATION ADDRESS

P.B. NO. 12, D BLOCK, PAZHERI PLAZA,
KODATHIPADI, MANNARKKAD, PALAKKAD 678 103.

BY SRI. JOHN JOSEPH VETTIKAD

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 23-09-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER(S) EXHIBITS

EXHIBIT P1 : TRUE COPY OF UN-NUMBEWRED OP(MV) PREFERRED BY THE
PETITIONERS ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
TRIBUNAL, PALAKKAD.

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 23rd day of September, 2015

JUDGMENT

Heard the Counsel for the petitioner and Standing Counsel for the second respondent. There is no necessity to issue notice to the first respondent. It is so in the nature of the directions that I propose to pass.

2. The first respondent is stated to be residing at Erakkunnam Veedu, Uppukulam P.O., Palakkad. The Registrar of the Motor Accident Claims Tribunal, Palakkad shall verify as to whether the place of residence of the first respondent is within its jurisdiction or within the jurisdiction of the Motor Accidents Claims Tribunal, Ottapalam. The Motor Accident Claims Tribunal, Palakkad shall number the claim petition filed by the petitioner and two others on re-presentation if it is found that the place of residence of the first respondent is within its jurisdiction.

3. The Motor Accident Claims Tribunal, Palakkad shall not entertain the claim petition on re-presentation if it is found

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that the place of the residence of the first respondent falls within the jurisdiction of the Motor Accidents Claims Tribunal, Ottapalam. The first respondent is impleaded as the owner and driver of the offending vehicle which is a motor cycle bearing registration No. KL-50/C 527. Much significance need not be attached to the address of the second respondent insurer since its position is that of an indemnifier only. I should bear in mind that a claim petition without the insurer is also maintainable though its impleadment is warranted in certain circumstances.

4. The petitioner is free to re-present the claim petition [OP(MV)] to the Motor Accidents Claims Tribunal, Palakkad along with a copy of the judgment.

The Original Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd