

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

RP.No. 734 of 2015 () IN MACA.1295/2014

AGAINST THE JUDGMENT IN MACA 1295/2014 of HIGH COURT OF KERALA
DATED 06-04-2015

REVIEW PETITIONER/3RD PARTY:

M/s. CONCORD CREDIT LTD
GOLDEN PLAZA, CHITTOOR ROAD, ERNAKULAM
REPRESENTED BY ITS MANAGING DIRECTOR, KURIAN GEORGE

BY ADV. SRI.S.R.DAYANANDA PRABHU

RESPONDENTS/APPELLANT & RESPONDENTS:

1. P.RAJU, AGED 54 YEARS
S/O.PARAMESWARAN, KAILASAM HOUSE, I.R.E COMPANY
ELOOR, NOW RESIDING AT
SOMAVIHAR 10TH PIOUS CHURCH, KARIPPAYI ROAD
NJALAKAM KARA, KANAYANNOOR TALUK, THRIKKAKARA P.O.
PIN: 682 021.

2. RASIYA, AGED 35 YEARS
W/O.NADIRSHA, VELLERKODATHU HOUSE, THAIKKATTUKARA
MUTTAM, ALUVA, 683 101

3. MEHABOOB, AGED 11 YEARS
(MINOR), S/O.NADIRSHA, VELLERKODATHU HOUSE
THAIKKATTUKARA, MUTTAM ALUVA 683 101
REPRESENTED BY HIS MOTHER AND NEXT FRIEND RASIYA
W/O.NADIRSHA VELLERKODATHU HOUSE, THAIKKATTUKARA
KUTTAM, ALUVA -683 101.

4. MOHAMMED FAWAS, S/O.NADIRSHA, AGED 8 YEARS
(MINOR), VELLERKODATHU HOUSE
THAIKKATTUKARA, MUTTAM ALUVA
REPRESENTED BY HIS MOTHER AND NEXT FRIEND RASIYA

W/O.NADIRSHA VELLERKODATHU HOUSE, THAIKKATTUKARA
MUTTAM, ALUVA -683 101.

5. ABDUL KHADER, AGED 66 YEARS
S/O.AHAMMED UNNI, VELLERKODATHU HOUSE, THAIKKATTUKARA
MUTTAM, ALUVA-683 101.

6. SARA BEEVI, AGED 63 YEARS
W/O.ABDUL KHADER, VELLERKODATHU HOUSE, THAIKKATTUKARA
MUTTAM, ALUVA-683 101

7. M RAVI
S/O.LALAPPA @ MUNIAPPA, HALLAHALLI VILLAGE
MASTHI HOBILLY, MALOOR TALUK, KOLAR DISTRICT -563 139
KARNATAKA STATE

BY SRI.K.J.MOHAMMED ANZAR
BY SRI.SANTHOSH G. PRABHU

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON
18-08-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.**

**R.P.No.734 OF 2015 IN
M.A.C.A.No.1295 OF 2014**

Dated this the 18th day of August, 2015

ORDER

Ramachandran Nair, J.

This review petition is filed by a third party to the proceedings.

2. We heard the learned counsel for the review petitioner Sri.S.R.Dayananda Prabhu and the learned counsel appearing for the parties before this Court in the M.A.C.A.

3. By the judgment sought to be reviewed, we had directed the Tribunal to implead the review petitioner as a party to the proceedings and to proceed afresh in the matter. According to the learned counsel for the impleading petitioner, the Company was not in possession of the vehicle as on the date of the accident.

4. Our attention was invited to Annexures 1 to 8 documents produced before this court. The learned counsel submitted that even the statement made by the appellant before the Police will show that

their case is not justified.

5. As per the operative portion of our judgment, we had directed the appellant to file an application for impleading the review petitioner as the additional respondent and has directed the Tribunal to allow the application. It is reported by the learned counsel for the review petitioner that the application is posted to 25.8.2015 for orders. The learned counsel for respondents opposed these contentions.

6. In view of the objection raised in the review petition, what is required is only a modification in the operative portion of the judgment. We are not considering the merits of the contentions of review petitioner as all those are yet to be raised before the Tribunal. We recall that portion of the order that the impleading application will be allowed by the Tribunal. Instead of the same, we direct that on the impleading application, review petitioner will be heard apart from other parties in the M.A.C.A. and the Tribunal will pass an appropriate order as regards the plea for impleading the review petitioner as a party before the Tribunal. This will be done after adverting to the contentions of both sides. The time for disposal of the matter finally is

fixed as nine months, instead of six months.

The review petition is accordingly disposed of and the judgment will stand modified to that extent.

T.R.RAMACHANDRAN NAIR, JUDGE

SV.

P.V.ASHA, JUDGE