

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

TUESDAY, THE 9TH DAY OF JUNE 2015/19TH JYAISHTA, 1937

Tr.P(C).No. 198 of 2015 ()

OPMV 51/2015 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALAKKAD

PETITIONERS :

1. SMT.VIDHYA, AGED 26 YEARS,
WIFE OF LATE SRI. VIKRAMAN
2. ADITH PRANAV, AGED 2 MONTHS,
SON OF LATE SRI. VIKRAMAN,
REPRESENTED BY HIS MOTHER AND GUARDINAN
THE FIRST PETITIONER SMT. VIDHYA

**BOTH RESIDING AT B1/5, HEAVY WATER PLANT COLONY,
THOOTHUKUDI, TAMIL NADU.**

**BY ADVS.SRI.ANIL S.RAJ
SMT.K.N.RAJANI
SRI.RADHIKA RAJASEKHARAN P.
SMT.ANILA PETER
SRI.J.VIVEK GEORGE**

RESPONDENTS :

1. P.B. ANTONY
MANAGING PARTNER, M/S. NTA MOVERS TRANSPORTS,
15/2096 NAZARATH, MATTANCHERRY PO, KOCHI 682002
2. VIJAYAN K.K.,
S/O.KESAVAN, VALIYAKATTIL VEEDU,
SOUTH OF SUBRAMANYA TEMPLE, THURVAOOR P.O.,
CHERTHALA 688532
3. THE NEW INDIA ASSURANCE COMPANY LIMITED, DIVISIONAL OFFICE
KOTTAKKAL ARYA VAIDYASALA BUILDING, M.G.ROAD, KOCHI 682016
4. SARASWATHY
W/O.CHANDRASEKHARAN NAIR, KILAVALAPPIL HOUSE
KIZHAKKANCHERY, PALAKKAD 678541

**R1 & R2 BY ADV. SRI.RAHUL SASI
BY ADV. SMT.NEETHU PREM
R4 BY ADVS. SRI.BINOY VASUDEVAN
SMT.P.G.BABITHA
BY SRI.A.A.ZIYAD RAHMAN**

**THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-06-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

APPENDIX

PETITIONER'S ANNEXURES :

ANNEXURE A1: COPY OF OP(MV) NO. 480/2015 PREFERRED BY THE PETITIONERS BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, ERNAKULAM DT 16/3/2015.

ANNEXURE A2: COPY OF OP(MV) NO. 51/2015 PREFERRED BY THE R4 BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALAKKAD DT 18/10/2014.

RESPONDENT'S ANNEXURES : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

B.KEMAL PASHA, J.

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Tr.P.(C). No.198 of 2015

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Dated this the 9th day of June, 2015

ORDER

Petitioners are seeking the transfer of O.P.(M.V.) No. 51 of 2015 pending before the Motor Accidents Claims Tribunal, Palakkad to the Motor Accidents Claims Tribunal, Ernakulam for trial along with O.P.(M.V.) No.480 of 2015 .

2. The 1st petitioner is the wife of deceased Vikraman, who succumbed to fatal injuries sustained in a motor accident. The 2nd petitioner is their minor son. The petitioners filed O.P.(M.V.) No.480 of 2015 before the Motor Accidents Claims Tribunal, Ernakulam seeking compensation. According to the petitioners, till the death of deceased Vikraman, they were residing at Ernakulam, as the deceased was employed at Ernakulam. After the death

of Vikraman, the petitioners went to Tutucorin where the parents of the 1st petitioner are residing. Even then she has chosen to file the O.P.(M.V.) at Ernakulam as the accident had occurred at Ernakulam. It seems that the 4th respondent herein, who is the mother of deceased Vikraman, has filed O.P.(M.V.) No.51 of 2015 before the Motor Accidents Claims Tribunal, Palakkad.

3. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

4. On hearing either side and on an appreciation of the facts and circumstances of the case, this Court is satisfied that it is just and convenient in the interest of justice to transfer O.P.(M.V.) No.51 of 2015 of the Motor Accidents Claims Tribunal, Palakkad to the Motor Accidents Claims Tribunal, Ernakulam for trial along with O.P.(M.V.) No.480 of 2015.

In the result, this Transfer Petition (Civil) is allowed and O.P.(M.V.) No.51 of 2015 of the Motor Accidents Claims

Tr.P.(C).No.198 of 2015

-: 3 :-

Tribunal, Palakkad is transferred to the Motor Accidents
Claims Tribunal, Ernakulam for trial along with O.P.(M.V.)
No.480 of 2015.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/9/6/15