

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYAISHTA, 1937

Tr.P(C).No. 88 of 2014 ()

TRANSFER OF OP(MV) No. 705/2013 of MOTOR ACCIDENTS CLAIMS TRIBUNAL,
PUNALUR

PETITIONER:

VIJAYAN P.K.,
S/O.KESAVAN, PLAVELI KIZHAKKETHIL, MITHRAPURAM,
PARANTHAL.P.O, PATHANAMTHITTA.

BY ADV. SRI.A.N.SANTHOSH

RESPONDENTS:

1. MANAGING DIRECTOR,
KSRTC, FORT, TRIVANDRUM-695023.
2. THE BRANCH MANAGER,
NEW INDIA ASSURANCE COMPANY LTD.,
KUNNITHOTTATHIL TOWERS, ST.PETER'S JUNCTION, RING ROAD,
PATHANAMTHITTA-689645.
3. PODIYAMMA,
W/O.VIJAYAN, PUTHENPURA VEEDU, NADUKUNNU,
MELILA, VETTIKAVALA.P.O, KOTTARAKKARA-691538.

R1 BY SRI.BABU JOSEPH KURUVATHAZHA, SC, KSRTC

R2 BY ADVS. SRI.KKM.SHERIF

SRI.LAL K.JOSEPH

SRI.A.A.ZIYAD RAHMAN

R3 BY ADV. SRI.B.MOHANLAL

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-06-2015, ALONG WITH Tr.P.C.No.280/2014, THE COURT ON THE SAME DAY PASSED
THE FOLLOWING:

APPENDIX

PETITIONER'S ANNEXURES :

A1 COPY OF THE OP(MV)No.575/2013 FILED BY THE PETITIONER BEFORE THE
MACT, PATHANAMTHITTA.

A2 COPY OF THE OP(MV) No.705/2013 FILED BY THE 3RD RESPONDENT ALONG
WITH OTHER SIBLINGS OF THE DECEASED BEFORE THE MACT, PUNALUR.

RESPONDENTS' ANNEXURES :

NIL

// True Copy //

P.A. To Judge

DSV/20/6/15

B.KEMAL PASHA, J.

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Tr.P.(C). Nos.88 & 280 of 2014

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Dated this the 19th day of June, 2015

ORDER

The petitioner in Tr.P.(C) No.88 of 2014 is the petitioner in O.P.(M.V.) No.575 of 2013 before the Motor Accidents Claims Tribunal, Pathanamthitta. He filed the said O.P. seeking compensation on account of the death of his wife in a motor accident. He has impleaded the mother of the deceased as the 4th respondent. The 4th respondent is exparte. After that, he received notice in O.P.(M.V.) No.705 of 2013 from the Motor Accidents Claims Tribunal, Punalur, which was filed by the mother of the deceased along with the father and the sister of the deceased. The mother of the deceased is the petitioner in Tr.P.(C) No.280 of 2014. She seeks transfer of O.P.(M.V.) No.575 of 2013 of the Motor

Accidents Claims Tribunal, Pathanamthitta to the Motor Accidents Claims Tribunal, Punalur.

2. Heard the learned counsel for the petitioners and the learned counsel for the respondents in both the cases.

3. According to the learned counsel for the petitioner in Tr.P.(C) No.280 of 2014, the said petitioner is residing at Kottarakkara. The distance from Kottarakkara to Pathanamthitta is only a little more than the distance to be covered for reaching Punalur from Kottarakkara. The first Original Petition was filed by the husband of the deceased. Considering the facts and circumstances of the case, this Court is of the view that it is just and convenient in the interest of justice to transfer O.P.(M.V.) No.705 of 2013 of the Motor Accidents Claims Tribunal, Punalur to the Motor Accidents Claims Tribunal, Pathanamthitta for trial along with O.P.(M.V.)No.575 of 2013.

In the result, Tr.P.(C) No.88 of 2014 is allowed and Tr.P.(C) No.280 of 2014 is dismissed, and O.P.(M.V.) No.705 of

Tr.P.(C).Nos.88 & 280 of 2014

-: 3 :-

2013 of the Motor Accidents Claims Tribunal, Punalur is transferred to the Motor Accidents Claims Tribunal, Pathanamthitta for trial along with O.P.(M.V.)No.575 of 2013.

Sd/-

B.KEMAL PASHA
JUDGE

DSV/19/6/15