

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 18551 of 2015 (T)

PETITIONER(S) :

MOIDEENKUTTY AGED 45 YEARS
S/O HAMSA , KIZHPADPALLIYAYIL HOUSE, ATTASSERY DESAM
MARUTHUR ROAD, PALAKKAD DISTRICT

BY ADVS.SRI.K.R.SRIPATHI
SMT.ANUPAMA SUBRAMANIAN

RESPONDENT(S) :

1. ABDUL KHADER
S/O MOHAMMED, PADINJARA EK KARAMMAL HOUSE, PILAPATTA
PO, CHERUPULASSERY, OTTAPALAM TALUK
PALAKKAD 679 503
2. ASHIF HAMZA
S/O HAMZA, PADINJARA EK KARAMMAL HOUSE, PILAPATTA
PO, CHERUPULASSERY, OTTAPALAM TALUK
PALAKKAD 679 503
3. IFFCO-TOKIO GENERAL INSURANCE COMPANY LTD
XX/456/10, 2ND FLOOR, COLOR HOUSE BUILDING
M.G.ROAD, THRISSUR 688 001

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 18551 of 2015 (T)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF THE UNNUMBERED OP(MV) FILED BY THE PETITIONER IN
THE HON'BLE MOTOR ACCIDENTS CLAIMS TRIBUNAL , THRISSUR
EXT.P2 TRUE COPY OF THE ORDER OF THE HON'BLE MOTOR ACCIDENTS CLAIMS
TRIBUNAL, THRISSUR DATED 5/5/2015
EXT.P3 TRUE COPY OF THE POLICY STATEMENT PERTAINING TO KL-51C-9666
ISSUED BY IFFCO-TOKIO DT.20.10.2014

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A. TO JUDGE

V.CHITAMBARESH, J.

W.P (C) No.18551 of 2015

Dated this the 30th day of September, 2015

J U D G M E N T

The petitioner admittedly resides at Palakkad. There is nothing to show that he conducts a business at Thrissur. There is no such averments in the claim petition even.

2. The respondents are stationed at Palakkad. The accident took place in Palakkad District. Obviously, the Motor Accidents Claims Tribunal, Palakkad has the jurisdiction.

3. The insurer is only an indemnifier. A claim petition would lie even without the insurer on the party array. The insurer in the instant case is at Calicut. The policy has been issued not from the office at Thrissur.

4. Ext.P2 order returning the claim petition for re-presentation is proper. The same is under Sec.166 (2) of the Motor vehicles Act, 1988. I do not find any grounds to interfere with the order.

The Writ Petition is dismissed.

**V.CHITAMBARESH,
Judge.**

sks