

(2010) 08 KL CK 0267
In the High Court Of Kerala
Case No : MACA No. 1575 of 2009

Sadasivan Nair

APPELLANT

Vs

P.K. Venugopalan and The Oriental Insurance Co. Ltd.

RESPONDENT

Date of Decision : 10-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0267

Hon'ble Judges : M.N. Krishnan, J

Bench : Single Bench

Advocate : A.V.M. Salahudin, for the Appellant; P.R. Sreejith, for the Respondent

Judgement

M.N. Krishnan, J.—This is an appeal preferred against the award of the Claims Tribunal, Kozhikode in OP(MV) No. 17/2004. The claimant, a 45 year old man, sustained injuries in a road accident. The accident took place on account of the collision between the jeep and a bus. The Tribunal without any materials and also the claimant without producing any documents, a decision is arrived at by making both the drivers equally negligent.

2. Time and again this Court had the opportunity to commend upon the way in which the documents are not produced before the Court. To my utter dismay, again I find that after finding 50% negligent on both the parties, the Tribunal used some extraordinary jurisdiction and only deducted 10% from the compensation. These are all unknown to law.

3. Therefore the only course this Court can adopt is to set aside the award and remit the case back to the Tribunal with a direction to all concerned to produce documentary as well as oral evidence in support of their respective contentions and then dispose of the matter in accordance with law. Parties are directed to appear before the Tribunal on 17.9.2010.

Disposed of accordingly.