

ORDER ON MEMO

The learned counsel for the respondent No.2 has filed memo stating that this petition is filed by two petitioners who sustained injuries in road traffic accident and they have to file separate single petition for compensation and hence the present petition in the present form is not maintainable and sought to reject the petition.

The learned counsel for the petitioners in his arguments submits that both the petitioners sustained injuries in the accident and hence it is not necessary to file separate petition and sought to dismiss the memo filed by the respondent No.2.

Heard both learned counsels on maintainability of petition.

Admittedly, this petition is filed under section 166 of IMV Act seeking compensation for the injuries sustained by both petitioners in road traffic accident that occurred on 16.11.2022. In the petition both the petitioners are seeking compensation and they have clearly mentioned the personal details of petitioners and quantum of compensation sought by each of the petitioners.

No doubt, as rightly objected by learned counsel for respondent No.2, the petitioners were supposed to file separate petition. However, just

because both the petitioners have filed common petition seeking compensation, the petition cannot be rejected on this ground. It is necessary to note that whenever parties file separate petitions, which arise out of same accident, this tribunal has followed the procedure of clubbing all the petitions to avoid passing of conflicting judgments and common evidence is recorded. Under such circumstances, the same analogy has to be applied to the present case. So the present petition cannot be dismissed solely on the ground that both petitioners are seeking compensation in a single petition. Hence the memo filed by the respondent No.2 is rejected.

**PRINCIPAL JUDGE,
Court of Small Causes,
MYSURU.**