

**IN THE COURT OF THE ADDL. MOTOR ACCIDENTS CLAIMS
TRIBUNAL, THALASSERY**

Present:- Sri. Sri.Vimal. J, Addl. Motor Accidents Claim Tribunal /
Addl. District Judge-IV.

Tuesday, the 21st day of April, 2026/ 01st Vaishakha 1948

O.P.(MV) No. 1226/2022

Rajesh Kunnumbrath, S/o. KunhIRaman, aged 44 years,]
Puthiya Valappil Chalil House, Kanayannur, P.O.]
Mowanchery, Kannur, Pin-670612.] Petitioner
State bank Of India, Chakkarakkal Branch, Account]
No: 32317065214, IFSC Code:SBIN0070728]
]

V/s.

1. Viswanathan. T. V, S/o. Madhavan Nambiar, aged]
55 years, Sai Kripa, Eramam, M.M. Bazar, Pin-]
670306]
- 2 The new India Assurance Company Ltd, Divisional] Respondents.
Office, Ground Floor, Jeeven Jyothi, T. C. Road,]
Thalassery-670104(Policy No.]
7620031190100005495 for the period from]
25/07/2019 to 24/07/2020)

This petition is filed under section 166 of the Motor Vehicles Act

Court fee paid Rs.2.00/-

This petition coming on this day for hearing before me in the presence of Sri. Sandeep.V, Advocate for petitioner;Sri. Mohammed Nitiad, Advocate for respondent No. 1 and 2; Sri. M.Ramesh Kumar, Advocate for respondent No.2; the court passed the following.

A W A R D

IA 1/2026 is filed to permit the petitioner to withdraw the case. The learned counsel for the petitioner submits that the petitioner has now received legal advice that the appropriate remedy for the petitioner is to approach the Consumer Disputes Redressal Commission alleging deficiency of service against the insurance company. Therefore, the learned counsel for the petitioner seeks to

withdraw this original petition with liberty to approach the Consumer Disputes Redressal Commission, without prejudice to the right of the petitioner to exclude the period during which the petition was pending before this tribunal for the purpose of limitation. However, whether the period of pendency of the case before this Court has to be excluded for the purpose of limitation is a matter to be determined by the concerned tribunal. This Court cannot make any order that the limitation period should be excluded by the appropriate forum which the petitioner intends to approach. The petitioner is, however, permitted to withdraw this case. Accordingly, the petitioner is permitted to withdraw the original petition. The original petition stands dismissed as withdrawn.

(Pronounced by me in open Court, this the 21st day of April 2026).

sd/-

ADDL. MOTOR ACCIDENTS CLAIMS TRIBUNAL/
ADDL. DISTRICT JUDGE-IV.

Fair/ Copy order in OPMVNo. 1226/2022
Dated 21-04-2026

