

ITEM NO.41

COURT NO.2

SECTION XIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12541/2004

(From the judgement and order dated 27/02/2003 in MFA No. 1447/1996 of
The HIGH COURT OF

KERALA AT ERNAKULAM)

ABDUL JALEEL. V.E.

Petitioner(s)

VERSUS

A.K. CHANDRAN & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 11/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE D.K. JAIN

For Petitioner(s)

Mr. Ajit Kumar Pande, Adv. (SCLSC)

For Respondent(s)

Mrs. Nanita Sharma, Adv.

R.No.6

Mr. S.L. Gupta, Adv.

(Oriental Insurance Co. Ltd.) Mr. K.K. Misra, Adv.

Mr. R.A. Gupta, Adv.

Mr. Sant Lal Nagar, Adv.

Mr. Goodwill Indeevar ,Adv

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Heard the learned counsel for both sides.

The learned counsel appearing for the petitioner submits that the

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petitioner had suffered severe injuries in a motor accident and he filed claim before Motor Accidents Claims Tribunal, Vadakara (for short, 'The Tribunal') . The petitioner was in hospital for a period of one month initially and again he was in treatment for another month. He had to undergo skin grafting. The medical certificates show that the petitioner had sustained severe injuries and also suffered permanent disability. However, the petitioner, unfortunately, could not prove the said medical certificates by calling the medical expert before the Tribunal and, according to the petitioner, in the above circumstances, compensation awarded by the Tribunal was very much lesser than what he really

deserved.

In the above circumstances, we remit the matter to the Tribunal for a fresh consideration of the case with liberty to the petitioner to adduce fresh evidence.

The Special Leave Petition is disposed of accordingly.

The petitioner to appear before the Tribunal on 1st of November, 2006.

(Rajesh Dham)
Court Master

(Veera Verma)
Court Master