

Lakkibai

v.

S S. K. Modi

(Supreme Court Of India)

HON'BLE MR. JUSTICE M. N. VENKATACHALIAH HON'BLE MR.
JUSTICE K. JAYACHANDRA REDDY

Transfer Petition (Civil) No. 502 Of 1989 | 05-02-1990

(1). The prayer in this petition is that the Motor Accident Claims preferred by Smt. Lakkibai-the Petitioner-now pending before the Motor Accident Claims tribunal, Anantpur, State of Andhra Pradesh be transferred to a tribunal of corresponding jurisdiction at Bellary in the State of Karnataka. It would appear that having been some delay in filing the claim, an application - IA 643 of 1989 - for the condonation of the delay has also been filed. The main claim-petition before the tribunal at Anantpur is yet un-numbered as the delay in its institution is not yet condoned.

(2). We have heard counsel for the petitioner and also the respondent no. 2. The first respondent, the owner of the motor vehicle, though duly served has remained un-represented. In the circumstances of this case, we think we should grant this transfer. It is accordingly directed that the un-numbered Accident Claims Case in M. V. O. P. , 1988 (Lakkibai v. S. K. Modi and Anr.) in which IA. No. 643 of 1989 for condonation of delay has been filed be transferred to the file of the Motor Accident Claims tribunal, Bellary, State of Karnataka. The transferee-Tribunal shall first consider the application for condonation of delay and if the delay is condoned proceed to register the claim and dispose it of in accordance with law.

(3). It appears appropriate that having regard to the nature of the claim and circumstances of the case, efforts may be made to have the dispute resolved by the Lok Adalat when one is convened and held at Bellary.

Sd/- court Master

