

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

OP (MAC).No. 18 of 2015 (O)

PETITIONER(S):

**NIJO, S/O.LATE JOHNY, AGED 34 YEARS,
PALATTY HOUSE, KARUKUTTY VILLAGE,
KARUKUTTY P.O., ERNAKULAM DISTRICT.**

**BY ADVS.SRI.E.C.POULOSE
SMT.BOBBOY RAPHEAL.C**

RESPONDENT(S):

- 1. ALI, S/O.MUHAMMED,
MEENTHARACKAL HOUSE, KUNNATHERY KARA,
ALUVA WEST P.O., ERNAKULAM DISTRICT - 683 101.**
- 2. NATIONAL INSURANCE CO. LTD.,
DIVISIONAL OFFICE, ALUVA, ERNAKULAM DISTRICT - 683 101.**

BY ADV. SRI.M.A.GEORGE

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 10-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

OP (MAC).No. 18 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF THE OP(MV)NO.259/2012 FILED BY THE INJURED JOHNY
BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, PERUMBAVOOR.

EXT.P2 - TRUE COPY OF THE STATEMENT OF MEDICAL BILLS SUBMITTED BY THE
PETITIONERS BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL
PERUMBAVOOR.

EXT.P3 - TRUE COPY OF I.A.NO.1384/2014 IN OP(MV)NO.259/2012 FILED BY THE
PETITIONER AND OTHER LEGAL HEIRS BEFORE THE MOTOR ACCIDENTS
CLAIMS TRIBUNAL PERUMBAVOOR.

EXT.P4 - TRUE COPY OF THE ORDER DATED 21-4-2014 IN I.A.NO.1384/2014 IN
OP(MV) NO.259 OF 2012 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,
PERUMBAVOOR.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

K. Vinod Chandran, J.

=====

O.P.(MAC)No.18 of 2015

=====

Dated this the 10th day of February, 2015.

JUDGMENT

1. Petitioner is aggrieved with the order passed at Ext.P4, in an application filed by the petitioner for expeditious consideration of a claim filed before the Motor Accidents Claims Tribunal, Perumbavoor. O.P.(MV)No.259 of 2012 was filed in the year 2012. However, later on, the injured is said to have succumbed to his injuries and hence the son, daughter and wife of the deceased got impleaded. Claimants are from the marginalized section of society and the injured was hospitalised for a long period thus incurring considerable expenses, which the family of the injured had to meet.
2. Petitioner, hence, filed an application for expeditious disposal, in which an order was passed at Ext.P4. The Tribunal noticed that similar matters of 2008 to 2011 are pending. This Court also comes across various matters in which claimants seek expeditious disposal

where the accident occurred 5 to 6 years prior to the filing of the petition. It cannot be said that the petitioner is not justified in seeking such a prayer. But, however, the Tribunal has to look at the matters pending before it; when preference over the others is sought and a particular claim is to be taken out of turn.

3. While the Tribunal noticed that there were similar matters pending from the year 2008, it has also observed that preference would be given to the case, as far as possible. In such circumstances, this Court is of the opinion that no further orders need be issued. The Tribunal has taken note of the circumstances of the petitioner and has decided to give preference to the case.

Writ petition would stand closed, observing only that the Tribunal look at the matter, as favourably as it can, in the given circumstances.

K. Vinod Chandran, Judge.

sl.