

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

OP (MAC).No. 39 of 2015 (O)

OP(MV) NO. 890/2012 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, MUVATTUPUZHA

PETITIONER :

**SIVAGOPAN, AGED 52 YEARS
S/O.RAMAN NAIR, PAREKUDY HOUSE,
MARANGATTULLY KARA, THIRUVANIYOOR VILLAGE.**

**BY ADVS.SRI.JOY C. PAUL
DR.ABRAHAM P. MEACHINKARA**

RESPONDENT(S) :

**1. GEORGE,
S/O.MATHAI, CHALIKKARA HOUSE,
VARIKOLI KARA, PUTHENCROUZ - 682 308.**

**2. THE ORIENTAL INSURANCE CO. LTD.,
RAVIPURAM, ERNAKULAM-682 015.**

R2 BY ADV. SMT.K.S.SANTHI

**THIS OP (MAC) HAVING BEEN FINALLY HEARD ON 02-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

OP (MAC).No. 39 of 2015 (O)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT.P1: COPY OF THE ORDER DATED 17/07/2014 IN OP(MV) 890/2012 OF MACT,
MUVATTUPUZHA.**

EXT.P2: COPY OF REVIEW PETITION FILED BY PETITIONER.

**EXT.P3: COPY OF THE ORDER DATED 17/10/2014 IN IA NO. 3067/2014 IN OP(MV)
NO.890/2012 OF MACT, MUVATTUPUZHA.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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O.P(MAC) No.39 of 2015

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Dated this the 2nd day of June, 2015

JUDGMENT

The petitioner is the claimant in O.P(MV) No.890 of 2012 pending before the Motor Accidents Claims Tribunal, Muvattupuzha.

2. As no steps were taken against the first respondent which is the owner-cum-driver, the learned Tribunal by Ext.P1 order found that no relief could be granted as against the first respondent. Though a revision was filed, the same was also dismissed as per Ext.P3.

3. The learned counsel for the petitioner would submit that he is ready to take steps against the first respondent who is the necessary party for a formal adjudication of the matter.

Considering the nature of the submission made by the learned counsel for the petitioner, the writ petition is allowed. Exts.P1 and P3 are quashed. The Motor Accidents Claims Tribunal,

Muvattupuzha shall afford the petitioner one more opportunity to take steps against the first respondent by any one of the modes prescribed by law. If the petitioner fails in complying with the order so passed, it shall be open to the claims tribunal to proceed with the trial.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

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