

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

OP (MAC).No. 57 of 2015 (O)

OP(MV) 889/2006 of MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA

PETITIONER(S)/5TH RESPONDENT:

PRADEEP,
S/O. SUKUMARAN, MAVILA VEEDU, KIDARAKKUZHI,
VENGANOOR, VIZHINJAM VILLAGE.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.R.S.SARAT
SRI.SEBIN THOMAS
SMT.J.KASTHURI
SRI.VISHNU BHUVANENDRAN

RESPONDENT(S)/CLAIMANTS/RESPONDENTS 1 TO 4:

1. STEPHEN, AGED 48 YEARS,
S/O. JOHNSON, NEERNULLITHALA VEEDU, RAMAVARMANCHIRA
RAMAVARMANCHIRA P.O., EDAKODE VILLAGE-680631.
2. ANITHA, AGED 43 YEARS,
W/O. STEPHEN, NEERNULLITHALA VEEDU, RAMAVARMANCHIRA,
RAMAVARMANCHIRA P.O., EDAKODE VILLAGE-680631.
3. AJITH, AGED 21 YEARS
S/O. STEPHEN, NEERNULLITHALA VEEDU, RAMAVARMANCHIRA
RAMAVARMANCHIRA P.O., EDAKODE VILLAGE-680631.
4. MADHAVAN PILLAI,
S/O. VELUPILLAI, SARASWATHY VILAS, T.C 11/364,
AYOORKONAM, PEROORKADA P.O., THIRUVANANTHAPURAM-695034.
5. ANI, S/O. GEEVANANDAN, ALUVILAPUTHENVEEDU,
KALLAMBALAM, THALAYAL DESOM, ATHIANNUR VILLAGE-695121.

PJ

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6. THE MANAGER

**NEW INDIA ASSURANCE COMPANY LTD, 2ND FLOOR,
SWADESABHIMANI COMPLEX, NEYYATTINKARA-695121.**

7. NAZEER,

**A.R.M, S/O. ABDUL RASHEED, PLAVILA PUTHEN VEEDU
VAZHIMUKKU, BALARAMAPURAM P.O.-695501.**

BY SRI.A.A.ZIYAD RAHMAN

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 27-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE AWARD DT. 04.11.14 PASSED BY THE LEARNED TRIBUNAL.**
- P2 - TRUE COPY OF THE SALE LETTER DT. 09.7.06.**
- P3 - TRUE COPY OF THE SALE LETTER DT. 15.11.07.**
- P4 - TRUE COPY OF THE REGISTRATION CERTIFICATE PARTICULARS.**
- P5 - TRUE COPY OF THE WRITTEN STATEMENT DT. 21.5.14.**
- P6 - TRUE COPY OF THE REVIEW PETITION NO. 386/2015 DT. 12.1.15 IN OP(MV) NO. 889/2006.**
- P7 - TRUE COPY OF THE OBJECTION DATED MARCH 2015 FILED BY THE CLAIMANTS.**
- P8 - TRUE COPY OF THE PROHIBITORY ORDER DT. 01.01.15 IN EA NO. 308/2014.**
- P9 - TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER.**
- P10 - TRUE COPY OF THE NOTICE ALONG WITH THE AFFIDAVIT OF THE CLAIMANTS.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.V. RAMAKRISHNA PILLAI, J.

O.P. (MAC) No. 57 of 2015

Dated this the 27th day of May, 2015

J U D G M E N T

The petitioner alleges that though the petitioner submitted Ext.P6 review petition before the Motor Accidents Claims Tribunal, Neyyatinkara for reviewing the award passed in OP(MV) No.889/2006, the same has not been considered and the petitioner's property is now being proceeded against in execution of the award.

2. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the 6th respondent.

3. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the MACT, Neyyatinkara to review the award passed in OP(MV) No.889/2006 within a time frame and also for a direction to keep the execution proceedings in abeyance till Ext.P6 is disposed of.

6. Considering the nature of the submission, this Court is of the view that the writ petition can be disposed of

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even without issuing notice to the party respondents.

Therefore, the writ petition is disposed of directing the MACT, Neyyatinkara to hear the petitioner on Ext.P6 review petition and to pass appropriate orders within a period of one month from the date of receipt of a copy of this judgment. Till that exercise is completed, the property of the petitioner shall not be proceeded against in execution of the award.

As the learned counsel for the petitioner submits that the post of the Presiding Officer, MACT, Neyyattinkara is lying vacant and the Tribunal is manned by another officer from Thiruvananthapuram, who takes only urgent matters, the office of the MACT, Neyyattinkara shall take care to see that this judgment is placed before the Officer-In-Charge of the Tribunal without much delay as soon as it is received. It shall be open to the petitioner to produce a copy of this judgment as well as a copy of this writ petition before the Sheristadar of the Tribunal at the earliest.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-