

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYASHTA, 1937

OP (MAC).No. 78 of 2015 (O)

OPMV 1081/2008 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA

PETITIONER :

**BAIJU M.R., AGED 35 YEARS,
S/O RAVI, MOOLAKKATTIL HOUSE, NELLAYI VILLAGE,
NELLAYI P.O., MUKUNDAPURAM TALUK, THRISSUR DISTRICT**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR)
SRI.N.L.BITTO**

RESPONDENTS :

- 1. SANKUNNY, AGED 54 YEARS,
S/O KUTTAN, KULLAKKAPARAMBIL HOUSE,
P.O. KALLUR, NJELLUR, THRISSUR DIST 680 001**
- 2. LITHEESH, AGED 36 YEARS, S/O THANKAPPAN,
PERIYIL HOUSE, MUTHRATHIKKARA DESOM
PARAPPUKKARA, THRISSUR DIST 680 001**
- 3. BAJAJ ALLIANZ GENERAL INSURANCE, CO.LTD
BRANCH OFFICE, 3RD FLOOR, FINANCE TOWER
NEAR INDIAN EXPRESS, KALOOR COCHIN 682 017**

**THIS OP (MAC) HAVING COME UP FOR ADMISSION
ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE PETITION OF OP(MV) 1081/2008 FILED BEFORE
 THE FAMILY COURT IRINJALAKUDA DATED 30/10/2008
- EXT.P2: A TRUE COPY OF AWARD PASSED BY THE MACT, IRINJALAKUDA IN
 OP(MV) 1081/2008 DATED 4/3/2013.
- EXT.P3: A TRUE COPY OF PERMIT NO C1/513/06 DATED 19/8/2006 ISSUED
 FROM REGIONAL TRANSPORT OFFICE, THRISSUR.
- EXT.P4: A TRUE COPY OF THE REVENUE RECOVERY PETITION IA.3621/2014
 DATED 14/10/2014 BEFORE THE MACT COURT IRINJALAKUDA.
- EXT.P5: A TRUE COPY OF IA 430/15 PETITION TO SET ASIDE EXPARTE
 DATED 7/2/15 BEFORE THE MACT IRINJALAKUDA
- EXT.P6: A TRUE COPY OF IA 437/2015 THE PETITION TO CONDONE DELAY
 DATED 7/2/15 BEFORE M ACT IRINJALAKUDA

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J.

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O.P(MAC) No.78 of 2015

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Dated this the 11th day of June, 2015

JUDGMENT

The petitioner is seeking a direction to the Motor Accidents Claims Tribunal, Irinjalakkuda for an early disposal of I.A Nos.430 and 437 of 2015 in O.P(MV) No.1081 of 2008.

2. The petitioner is aggrieved by the non-consideration of the application filed as I.A No.430 of 2015 to set aside the *ex parte* award and I.A No.437 of 2015 for condoning the delay of 401 days which was filed in O.P(MV) No.1081 of 2008 on the files of the Motor Accidents Claims Tribunal, Irinjalakkuda. There was an *ex parte* award against the petitioner.

3. The petitioner alleges that he was working abroad at the time of the original petition and no notice was issued to him. When he obtained notice in the execution petition, he immediately filed the above applications. However, those applications were not considered

so far. The petitioner further alleges that now revenue recovery is proposed to be taken against him. It is with this background, the petitioner has come up before this Court.

4. Arguments have been heard.

As the limited prayer in this original petition is only for a time bound direction to dispose of the interlocutory applications, the original petition is disposed of directing the Motor Accidents Claims Tribunal, Irinjalakkuda to consider and pass orders on I.A Nos.430 and 437 of 2015 in O.P(MV) No.1081 of 2008 within a period of two weeks from the date of receipt of a copy of this judgment.

To facilitate early action, it shall be open to the petitioner to produce a copy of this judgment as well as copy of the original petition before the MACT, Irinjalakkuda at the earliest.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj