

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 20TH DAY OF JULY 2015/29TH ASHADHA, 1937

OP (MAC).No. 84 of 2015 (O)

O.P.(M.V)NO.154/2013 OF MOTOR ACCIDENTS CLAIM TRIBUNAL, OTTAPPALAM

PETITIONER(S) :

**KRISHNAKUMAR, AGED 22 YEARS,
S/O.APPU THARAKARAN, KANAMBARATH HOUSE,
MANGODE P.O., PALAKKAD DISTRICT.**

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENT(S) :

**SUBAIR, AGED 35 YEARS,
S/O.CHEKKUTTY, THOLARIKKAPALLIYALIL HOUSE,
CHERPULASSERY P.O., PALAKKAD DISTRICT, PIN-679 503.**

**THIS OP (MAC) HAVING BEEN FINALLY HEARD ON 20-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

OP (MAC).No. 84 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXHIBIT P1: A TRUE COPY OF THE INTERLOCUTORY APPLICATION NUMBER
1863/2015 IN O.P(M.V)NO.154/2013 IN MACT OTTAPALAM.**

**EXHIBIT P2: A TRUE COPY OF THE INTERLOCUTORY APPLICATION NUMBER
1862/2015 O.P(M.V)NO.154/2013 IN MACT OTTAPALAM.**

**EXHIBIT P3: A TRUE COPY OF INTERLOCUTORY APPLICATION NUMBER
1864/2015 IN O.P(M.V)NO.154/2013 IN THE MACT OTTAPALAM.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.V.RAMAKRISHNA PILLAI, J.

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O.P(MAC) No.84 of 2015

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Dated this the 20th day of July, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the Motor Accidents Claims Tribunal, Ottappalam to consider and pass orders on certain interlocutory applications filed by him in O.P (MV) No.154 of 2013 now pending before the Tribunal.

2. The petitioner alleges that the accident pertaining to the aforesaid claim petition arose on account of the collusion between a three wheeler driven by the respondent herein and a two wheeler driver by the petitioner. According to him, he as well as the respondent sustained injuries and the accident was solely because of the negligence on the part of the respondent. He would allege that the respondent managed to influence the police and to get the crime registered against the petitioner. Thereafter he approached the learned Tribunal with the claim petition; it is alleged.

3. According to the petitioner, his vehicle was validly insured and it was driven by a licensed driver, and the liability has to be fastened on the insurer of the vehicle, if at all it is found that the petitioner is negligent. The petitioner further alleges that he has not received any notice from the Tribunal and an *ex parte* award was passed against him. Therefore, he submitted Exts.P1 to P3 applications and there is inaction on the part of the Tribunal in considering those applications.

4. Though notice has been served on the respondent, he did not turn up.

5. Heard the learned counsel for the petitioner.

As the limited prayer in this original petition is to consider and pass orders on Exts.P1 to P3, the Motor Accidents Claims Tribunal is directed to consider the I.A Nos.1863 of 2015, 1862 of 2015 and 1864 of 2015 in O.P(MV) No/154 of 2013 within a period of two weeks from the date of receipt of a copy of this judgment after

affording the petitioner an opportunity of being heard; if the applications are not already disposed of.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj