

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 14TH DAY OF JULY 2015/23RD ASHADHA, 1937

OP (MAC).No. 93 of 2015 (O)

**(OP(MV).NO. 705/2009 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA
DATED 16-04-2014)**

PETITIONER :

**RAJAN, AGED 59 YEARS,S/O.KRISHNAN,
MUPARATHI VEETIL, PORATHISSERY,
VILLAGE DESOM, THRISSUR DISTRICT.**

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

- 1. PREMAN, AGED 47 YEARS,S/O.SEKHARAN,
ERASSERY HOUSE, KOOTHUPARAMBA DESOM,
PORATHUSSERY VILLAGE DESOM,
THRISSUR DISTRICT-680 001.**
- 2. RANEESH M.R.,
S/O.RAJAN, MUPARATHI VEETIL,
PORATHISSERY VILLAGE DESOM,
THRISSUR DISTRICT-680 001.**
- 3. RAJAN NAIR,THEKKATHALAKKAL (H),
PERINJANAM P.O, THRISSUR-680 001.**
- 4. THE NEW INDIA INSURANCE COMPANY LTD.,
SNN SHOPPING COMPLEX, NATTIKA P.O,
THRISSUR DISTRICT.**

R4 BY SRI.A.A.ZIYAD RAHMAN

**THIS OP (MAC) HAVING COME UP FOR ADMISSION
ON 14-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

OP (MAC).No. 93 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : A TRUE COPY OF THE AWARD PASSED IN OP(MV)NO.705 OF 2009 DATED 16-4-2014 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA.
- P2 : A TRUE COPY OF THE IA NO.902 OF 2015 IN OP(MV) NO.705 OF 09 DATED 18-3-2015 ON THE FILE OF THE MACT, IRINJALAKUDA.
- P3 : A TRUE COPY OF THE IA.NO.903 OF 2015 IN OP(MV) NO.705 OF 09 ON THE FILE OF THE MACT, IRINJALAKUDA, DATED 18-3-2015.

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

sts

A.V. RAMAKRISHNA PILLAI, J.

O.P.(MAC) No. 93 of 2015

Dated this the 14th day of July, 2015.

JUDGMENT

The petitioner is seeking a direction to the learned Motor Accident Claims Tribunal, Irinjalakuda to consider Exts.P2 and P3 applications. He is also praying to stay all further proceedings pursuant to Ext.P1 till that exercise is over.

2. The petitioner herein was the second respondent in O.P.(MV) No.705 of 2009 on the file of the Motor Accident Claims Tribunal, Irinjalakuda. It was a claim petition at the instance of the first respondent herein seeking compensation on account of the injuries sustained in a motor vehicle accident. The petitioner alleges that before the Tribunal, respondents 1, 2 and 4 in the original petition were set ex-parte. The petitioner had valid driving licence. However, stating the reasons that he had no licence, and that the permit was not produced, the Tribunal directed the insurer to pay the amount and to recover the same from the party respondent.

Petitioner has filed Exts. P2 and P3 to set aside the ex-parte award after condoning the delay. He is seeking for a direction to consider those applications and to stay all further proceedings pursuant to Ext.P1 till that time.

3. Heard the learned counsel for the petitioner and the learned standing counsel for the respondent insurance company in the matter.

As the limited prayer in this original petition is only for a direction to the learned Motor Accident Claims Tribunal, Irinjalakuda to consider and pass orders on Exts.P2 and P3 applications, the original petition is disposed of directing the learned Motor Accident Claims Tribunal, Irinjalakuda to consider and pass appropriate orders on Exts.P2 and P3, after affording the petitioner and the affected parties an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. It is hereby made clear that till orders are passed on Exts. P2 and P3, no coercive steps for enforcing the award shall be initiated against the

petitioner.

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

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.