

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

OP (MAC).No. 130 of 2015 (O)

PETITIONER:

**SHAKEER P.A.
AGED 40 YEARS
S/O. ANATHY, PALAKKATTUPARAMBIL HOUSE
KUTTILANJI
ERAMALLOOR P.O.,
KOTHAMANGALAM**

**BY ADVS.SRI.SIRAJ KAROLY
SRI.R.PARAMESWARA IYER**

RESPONDENTS:

- 1. YOUSUF, AGED 73 YEARS
S/O. BEERASA, KARIPPAYIL HOUSE
THALAKKODU P.O.,
KOTHAMANGALAM
PIN - 682 314**
- 2. AANTO, S/O. AUGUSTHY
OORASALAYIL HOUSE
MUNIPARA P.O.,
MANKULAM VILLAGE
IDUKKI DISTRICT - 685 602**
- 3. THE ORIENTAL INSURANCE COMPANY LTD.
ELENJIKAL PLAZA, KOTHAMANGALAM P.O.
KOTHAMANGALAM - 686 691**
- 4. DEPUTY TAHSILDAR (RR)
TALUK OFFICE
KOTHAMANGALAM - 686 691**
- 5. THE VILLAGE OFFICER,
IRAMALLOOR VILLAGE
KOTHAMANGALAM TALUK - 686 691**

**R3 BY SMT.K.S.SANTHI, SC
R4 & R5 BY SR. GOVERNMENT PLEADER SMT. SANJEETHA K.A.**

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 02-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE REGISTRATION PARTICULARS OF MOTOR CYCLE
BEARING REGISTRATION NUMBER KL-44-4010 DATED 20.11.2010**
- P2 : COPY OF THE AWARD IN O.P.(MV) NO. 388 OF 2011 DATED 29.03.2014**
- P3 : COPY OF THE FORM I OF R.R. NOTICE DATED 11.9.2015**
- P4 : COPY OF THE FORM 10 OF R.R. NOTICE DATED 11.09.2015**
- P4(a): COPY OF THE ORDER DATED 25.07.2015 IN I.A. NO. 1524/2015 IN O.P.(MV)
388 OF 2011**
- P5 : COPY OF THE I.A. NO. 3796/2015 IN O.P.(MV) 388 OF 2011 DATED 19.10.2015
TO SET ASIDE THE EX-PARTE AWARD**
- P6: COPY OF THE I.A. NO. 3795/2015 IN O.P.(MV) 388 OF 2011 DATED 19.10.2015
FOR CONDONATION OF DELAY**

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

O.P.(MAC). NO. 130 OF 2015

Dated this the 02nd day of November, 2015

JUDGMENT

The petitioner confines his relief to an early consideration of Exts. P5 and P6 applications in O.P. (M.V.) No. 388/2011. Ext. P5 application is to set aside the ex-parte award and Ext. P6 award is to condone the delay in filing Ext. P5 application.

2. I direct the Motor Accidents Claims Tribunal, Muvattupuzha to consider Exts. P5 and P6 applications within a period of two months. The petitioner as well as respondents 1 to 3 and other affected parties shall be put on notice and heard in the exercise. It is reported that the amount due to the claimants have already been paid by the third respondent insurer. Therefore further proceedings against the petitioner pursuant to Exts. P3 and P4 notices shall be put on hold till orders are passed on Exts. P5 and P6 representations as directed above.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**