

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 3RD DAY OF NOVEMBER 2015/12TH KARTHIKA, 1937

OP (MAC).No. 134 of 2015 (O)

AGAINST THE ORDER/JUDGMENT IN OPMV 740/2010 of M.A.C.T., MANJERI DATED
07-03-2013

PETITIONER(S):

MUSTHAFA AGED 44 YEARS
S/O.MOIDEENKUTTY, MUPPARA HOUSE
POOKKOTTUMPADAM P.O, AMARAMBALAM
NILAMBUR TALUK, MALAPPURAM DISTRICT

BY ADV. SRI.P.SAMSUDIN

RESPONDENT(S):

1. THE DISTRICT COLLECTOR
MALAPPURAM-676 505
2. THE TAHSILDAR, REVENUE RECOVERY
TALUK OFFICE, NILAMBUR-679 329, MALAPPURAM
3. ORIENTAL INSURANCE COMPANY LTD, JASEELA COMPLEX
BYE PASS JUNCTION, NILAMBUR ROAD
MANJERI-676 121.MALAPPURAM

R1-2 BY ADV.K.A.SANJEETHA, SENIOR GOVERNMENT PLEADER
R3 BY SMT.K.S.SANTHI

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 03-11-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P (MAC) NO.134/2015

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE AWARD DATED 7.3.2013 IN O.P(MV) 740/2010 ON THE FILES OF THE MACT, MANJERI

EXHIBIT P2. TRUE COPY OF THE AFFIDAVIT FILED BY THE PETITIONER IN SUPPORT OF I.A. 1965/2014 IN O.P(MV) 740/2010

EXHIBIT P3. TRUE COPY OF THE AFFIDAVIT FILE DBY THE PETITIONER IN SUPPORT OF I.A.1966/2014 IN O.P(MV) 740/2010

EXHIBIT P4. TRUE COPY OF THE JUDGMENT DATED 19.8.2014 IN W.P.(C) NO.18464/2014 OF THIS HON'BLE COURT

EXHIBIT P5. TRUE COPY OF THE ORDER DATED 5.10.2015 IN I.A.NO.1966/2014 IN O.P(MV) 740/2010 ON THE FILES OF THE MACT, MANJERI

RESPONDENT(S) ' EXHIBITS

-----NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

O.P(MAC)NO. 134 OF 2015

Dated this the 3rd day of November, 2015

JUDGMENT

The discretion exercised by the Motor Accidents Claims Tribunal in imposing a cost of ₹10,000/-(Rupees ten thousand only) as a condition precedent for condoning the delay in seeking to set aside the *ex parte* award by the Claims Tribunal cannot be tinkered with in exercise of the jurisdiction of this Court under Articles 226 and 227 of the Constitution of India. The delay is of 247 days and the Tribunal has thought it fit to impose such cost in order to afford an opportunity to the petitioner(who is the owner of the vehicle involved in the accident) to contest the claim on merits. I am sure that the Claims Tribunal will afford an opportunity to the petitioner to place his case on merits if he complies with the condition to deposit a sum of ₹10,000/-(Rupees ten thousand only) as costs within a period of two weeks from today.

The original petition is disposed of as above.

V.CHITAMBARESH, JUDGE

sks

