

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 17TH DAY OF DECEMBER 2015/26TH AGRAHAYANA, 1937

OP (MAC).No. 158 of 2015 (O)

PETITIONER/1ST RESPONDENT :

**A. K. ASEEZ, AGED 44 YEARS
S/O. ABDULLA, AYALAKANDI HOUSE
CHERAPURAM P.O., KAKKATTIL VIA
VADAKARA TALUK, KOZHIKODE DISTRICT**

**BY ADVS.SRI.P.VENUGOPAL (1086/92)
SMT.T.J.MARIA GORETTI**

RESPONDENTS/PETITIONER & 2ND RESPONDENT:

- 1. K P SAFIYA
AGED 51 YEARS
W/O. AMMAD KOYA
ANJARAKANDI HOUSE
THIRUVANGOOR AMSOM DESOM
KOYILANDI TALUK,
KOZHIKODE DISTRICT
PIN - 673 318**
- 2. SURESH BABU
S/O. BALAN
POOVULLATHIL HOUSE
MEMUNDA P.O.
VATAKARA TALUK
KOZHIKODE DISTRICT
PIN - 673 104**

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 17-12-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (MAC).No. 158 of 2015 (O)

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE AWARD DATED 12.12.2012 PASSED BY THE
MOTOR ACCIDENTS CLAIMS TRIBUNAL, VADAKARA IN O.P.
(M.V.) NO. 623/2009**
- EXHIBIT P2 : TRUE COPY OF THE EXECUTION PETITION FILED BY THE
FIRST RESPONDENT AS E.P. NO. 2/2015**
- EXHIBIT P3 : TRUE COPY OF THE AFFIDAVIT FILED IN I.A. NO. 1507/2015 TO
SET ASIDE THE EXPARTE AWARD**
- EXHIBIT P4 : TRUE COPY OF THE AFFIDAVIT FILED IN I.A. NO. 1506/2015 TO
CONDONE THE DELAY**
- EXHIBIT P5 : TRUE COPY OF THE COUNTER FILED BY THE PETITIONER IN
E.P.NO. 2/2015**
- EXHIBIT P6 : COPY OF THE ORDER DATED 26.11.2015 PASSED BY THE
MOTOR ACCIDENTS CLAIMS TRIBUNAL, VADAKARA, IN E.P.
NO. 2/2015 IN O.P.(M.V.)NO. 623/2009**

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

DCS

V. CHITAMBARESH, J

O.P.(MAC). NO. 158 OF 2015

Dated this the 17th day of December, 2015

JUDGMENT

Ext. P3 petition to set aside Ext. P1 ex-parte award is pending. The same is supported by Ext. P4 petition for condonation of delay. The petitioner is aggrieved by Ext. P6 order of arrest in Ext. P2 execution petition to realise the amount due under Ext. P1 award.

2. I direct the Motor Accidents Claims Tribunal, Vatakara to dispose of Exts. P3 and P4 petitions (I.A. Nos. 1507/2015 and 1506/2015) in O.P.(M.V.) No. 623/2009 expeditiously. The same shall be done within a period of two months from the date of receipt of a copy of this judgment. Needless to say that the petitioner as well as the respondents shall be put on notice and heard in the exercise.

3. Ext. P6 order of arrest of the petitioner shall be put on hold in the meanwhile. This is subject to the

condition that the petitioner pays a sum of Rs. 20,000/- to the first respondent claimant within two weeks. The amount shall be paid by Demand Draft drawn in favour of the first respondent. The order of stay will come into operation only if the amount is paid and the acknowledgment produced before the Tribunal.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS