

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

OP (MAC).No. 190 of 2014 (O)

**AGAINST THE MATTER IN I.A. NO.3172/2014 IN I.A. 3171/2014 IN OPMV 1887/2003 of
MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL**

PETITIONER/PETITIONER/IST RESPONDENT:

**THAJUDHEEN AGED 66 YEARS
S/O ADIMAKKANNU, ANAZ MANZIL, KOKOTTUKONAM
PALLICKAL.**

BY ADV. SRI.LIJU. M.P

RESPONDENTS/RESPONDENTS/CLAIMANT AND RESPONDENTS 2 & 3:

- 1. PRASANNAKUMARI
W/O VELLARIKONAM, KIZHAKKINKARA, PUTHEN VEEDU
ERIYANADU, PANA VOOR (P.O). 691 101**
- 2. SAJEEV
S/O SALAHUDEEN, SAGINA MANZIL, MUKKADA
MARUTHIKKUNNU, NAVAikulam, KOLLAM. 691 001**
- 3. THE MANAGER
NEW INDIA ASSURANCE COMPANY LTD., BRANCH OFFICE
ATTINGAL. 695 101**

**R3 BY ADV. SRI.RENI ANTO KANDAMKULATHY
BY SRI.A.A.ZIYAD RAHMAN**

**THIS OP (MAC) HAVING BEEN FINALLY HEARD ON 19-01-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (MAC).No. 190 of 2014 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE PHOTOCOPY OF THE LICENCE OF 2ND RESPONDENT.

**EXHIBIT P2: TRUE PHOTOCOPY OF THE PETITION IN I.A.NO.3171/14 IN O.P.(M.V.)
NO.1887/2003 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
TRIBUNAL, ATTINGAL.**

**EXHIBIT P3: TRUE PHOTOCOPY OF THE PETITION IN I.A.NO.3172/2014 IN
I.A.NO.3171/14 IN O.P.(MV)NO.1887/2003 ON THE FILE OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, ATTINGAL.**

**EXHIBIT P4: TRUE PHOTOCOPY OF THE DEMAND NOTICE NO.G3-3128/13 ISSUED
TO THE PETITIONER.**

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

O.P.(MAC) No. 190 of 2014

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner, the registered Owner of a vehicle, is aggrieved with the revenue recovery proceedings initiated as per Ext.P4, when an application for review is pending before the Motor Accident Claims Tribunal as Ext.P3.

2. The brief contention to be noticed is that the petitioner's vehicle was involved in an accident and the injured filed a claim petition before the Tribunal as OP(MV) 1887/2003. Though the petitioner appeared and produced a copy of the driving license of the driver, the same was not accepted by the Tribunal. An award was passed and the Insurance Company was directed to make the deposit, but however was absolved from the liability, for reason of the registered owner and the driver having not proved that the driver had a valid driving license at the time when the accident occurred.

3. Sri.Reni Anto Kandamkulathy appears for the 3rd respondent. Heard the 3rd respondent also.

4. The petitioner contends that at the time when the claim was pending before the Tribunal, the driver had been abroad and the petitioner could not get the original of the driving license. Now the driver is back in India and the original is also available with the petitioner, is the contention. In any circumstance, the petitioner is seen to have produced the copy of the driving license even at the time when the matter was pending before the Tribunal. In such circumstance, it is fit that the recovery proceedings as per Ext.P4 be kept in abeyance till a decision is arrived at in Ext.P3.

The Writ Petition is disposed of with the above direction.

Sd/-
K.VINOD CHANDRAN,
JUDGE

jjj