

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 8TH DAY OF JUNE 2015/18TH JYAISHTA, 1937

W.P.(C).No.4504 of 2009 (J)

PETITIONER(S):-

1. PRABHAVATH, W/O.LATE KRISHNAN,
DEEPU BHAVAN, PRAKOTTUKONAM, KULATHAMAL,
NEYYATTINKARA.
2. DEEPA, D/O.LATE KRISHNAN,
DEEPU BHAVAN, PARAKOTTUKONAM, KULATHAMAL,
NEYYATTINKARA.
3. DEEPU, S/O.LATE KRISHNAN,
DEEPU BHAVAN, PARAKOTTUKONAM, KULATHAMAL,
NEYYATTINKARA.

BY ADV. SRI.D.KISHORE.

RESPONDENT(S):-

1. MANAGING DIRECTOR, K.S.R.T.C.,
THIRUVANANTHAPURAM.
2. CHANDRAN, S/O.ARJUNAN,
ARASUVILAKAM VEEDU, PUNNAKKADU P.O., THALAYIL,
ATHIYANNOOR, NEYYATTINKARA.
3. THE PERMANENT LOK ADALET FOR PUBLIC UTILITY SERVICES,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHAIRMAN.

R1 BY STANDING COUNSEL SRI.M.GOPIKRISHNAN NAMBIAR.

R1 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,KSRTC.

R1 BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR,SC, KSRTC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
08-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

W.P.(C).NO.4504 OF 2009-J

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE APPLICATION FOR COMPENSATION FILED
 BEFORE THE PERMANENT LOK ADALAT.
- EXT.P2 TRUE COPY OF THE WRITTEN STATEMENT.
- EXT.P3 TRUE COPY OF THE AWARD DATED 07.12.2008 IN O.P.NO.455/08
 OF PERMANENT LOK ADALAT.
- EXT.P4 TRUE COPY OF THE JUDGMENT DATED 09.12.2008 IN
 W.P.(C).NO.33438/08 OF THIS HON'BLE COURT.

RESPONDENT'S EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.4504 of 2009-J

Dated this the 08th day of June, 2015

JUDGMENT

The petitioners are aggrieved with Exhibit P3 order of the Permanent Lok Adalat at Thiruvananthapuram. Admittedly the petition was filed by the petitioners, who are said to be the legal heirs of the deceased, Krishnan; he having succumbed to injuries in a motor accident. The petitioners challenge the award on the ground that the negligence found on the deceased could not be sustained.

2. Without going into the merits, as rightly submitted by both the counsel, this Court has already held that the Permanent Lok Adalat has no jurisdiction to decide a claim petition arising out of a motor accident, in ***New India Assurance Co. Ltd. Jameela [2009 (1) KLT 153]***.

3. Going by the binding precedent, the award passed at Exhibit P3 is set aside. The petitioners are granted liberty to approach the Motor Accidents Claims Tribunal, if the same is

permissible. It is also made clear that Exhibit P3 having been set aside as an award passed without jurisdiction and *non-est* in law, the observations in the said award would have absolutely no relevance. The petitioners are left to agitate the cause before the appropriate forum.

The writ petition is disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]