

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

MONDAY, THE 9TH DAY OF FEBRUARY 2015/20TH MAGHA, 1936

WP(C).No. 27009 of 2007 (M)

AGAINST THE AWARD IN OPMV 248/1998 of M.A.C.T,THRISSUR DATED 20.03.2003

PETITIONER :

K.V.GANGADHARAN,S/O. VELAPPAN,
KAREEPADATH HOUSE, THOYIKKAVAU P.O.
THRISSUR DISTRICT.

BY ADVS.SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS :

1. BINOY @ BINU V.K., S/O.LATE KOCHAPPAN,
VENDUKKARAN HOUSE, ADIYARA, P.O.RAMAVARMAPURAM.
THRISSUR DISTRICT.
2. THE ORIENTAL INSURANCE CO. LTD,
BRANCH THRISSUR.
3. THE DEPUTY TAHSILDAR (RR)
CHAVAKKAD.
4. THE VILLAGE OFFICER,
VENKITANGU VILLAGE, CHAVAKKAD TALUK.

R1 BY ADVS. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA

R2 BY ADVS. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

R BY SR.GOVERNMENT PLEADER SRI.E.M.ABDUL KHADIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 27009 of 2007 (M)

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE JUDGMENT IN OP(MV)NO.248 OF 1998 DATED 20.03.2003 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR

EXT.P2 : PHOTOCOPY OF THE PETITION DATED 19.9.2006 FILED BY THE 2ND RESPONDENT BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR IN OP (MV)NO.248/1998

EXT.P3 : PHOTOCOPY OF I.A.NO.3278/2007 IN OP(MV)NO.248/1998 ALONG WITH THE AFFIDAVIT DATED 19.5.2007 FILED BY THE PETITIONER BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, THRISSUR.

EXT.P4 : PHOTOCOPY OF THE DEMAND NOTICE DATED 13.8.2007 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER

RESPONDENTS' EXHIBITS : NIL

/TRUE COPY/

P.A TO JUDGE

AV

K.SURENDRA MOHAN, J.

W.P.(C) No.27009 of 2007

Dated this the 9th day of February, 2015

J U D G M E N T

The petitioner, owner of an Autorickshaw that is alleged to have been involved in a motor accident, has filed this writ petition aggrieved by Ext.P1 *ex-parte* award passed by the Motor Accidents Claims Tribunal, Thrissur in O.P.(M.V.)No.248/1998. The original petition was filed by the 1st respondent alleging that, he had sustained bodily injuries in the accident. Since the petitioner was *ex-parte*, the Tribunal has passed Ext.P1 holding the petitioner personally liable for the award amount. It has been found that, the petitioner did not have the benefit of a valid insurance policy. The petitioner had preferred Ext.P3 petition for setting aside the *ex-parte* award. The same was accompanied by a petition for condonation of delay also. According to the counsel for the petitioner, the said petitions have already been closed. The remedy of the petitioner is therefore to challenge Ext.P1 award.

Since Ext.P3 petition has already been closed, this writ petition is practically infructuous. The same is therefore dismissed, without prejudice to the rights of the petitioner to challenge Ext.P1 award in appropriate proceedings.

Sd/-

K.SURENDRA MOHAN, JUDGE.

AV