

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 21038 of 2015 (D)

PETITIONER :

**M.M.PHILIP, AGED 61 YEARS,S/O. LATE MARKOSE,
PADINJATTUKARA HOUSE, THOTTAKADU P.O.,
KOTTAYAM -686 539**

BY ADV. SRI.JOSE PALLATTUKARAN

RESPONDENT(S):

- 1. RACHEL JOSEPH,
KUZHICALAYIL HOUSE, PALACHUVADU, KEEKOZHOOOR,
CHERKOLE VILLAGE, RANNY TALUK,
PATHNAMTHITTA DISTRICT- 689 672**
- 2. P.M. CHANDY @ WILSON,S/O. MATHEW,
PUNNASSERIL HOUSE, PUTHUSSERIMALA,
RANNY VILLAGE, RANNY TALUK, PATHANAMTHITTA- 68 9672**
- 3. THE BRANCH MANAGER,
NATIONAL INSURANCE CO. LTD, THIRUVALLA -689 101**
- 4. DEPUTY TAHSILDAR (RR) AUTHORIZED OFFICER,
KOTTAYAM -686 001**

R3 BY SRI. MA. GEORGE,SC

R4 BY GOVERNMENT PLEADER SMT. M.T.SHEEBA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 21038 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE RELEVANT PAGES OF THE PASSPORT OF THE PETITIONER**
- EXT.P2: TRUE COPY OF THE REGISTRATION PARTICULARS RAGARDING JEEP BEARING NO.KRO -824**
- EXT.P3: TRUE COPY OF THE IA NO.3849/14 IN OP(MV) NO.251/2005**
- EXT.P4: TRUE COPY OF THE AWARD DATED 9.7.2014 IN OP(MV) NO.251/2015 OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PATHANAMTHITTA**
- EXT.P5: TRUE COPY OF IA NO.368/2015 IN OP(MV) NO.251/2005 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, PATHANAMTHITTA**
- EXT.P5(A): TRUE COPY OF THE IA NO.367/2015 IN OP(MV) NO.251/2005 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, PATHANAMTHITTA**
- EXT.P6: TRUE COPY OF NOTICE DATED 12.2.2015 ISSUED TO THE PETITIONER**

RESPONDENT(S)' EXHIBITS: **NIL**

/TRUE COPY/

P.A.TO JUDGE

sts

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.21038 of 2015

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner has been saddled with the liability to pay compensation under the Motor Accident Claims Tribunal's award. The petitioner was *ex parte* throughout the proceedings. The petitioner filed applications for setting aside Ext.P4 *ex parte* award. Exts.P5 and P5(a) are the applications. In the meanwhile, revenue recovery proceedings are initiated against the petitioner to recover the amount awarded by the Motor Accidents Claims Tribunal.

Considering the pending applications for setting aside the award, there shall be a direction to the Motor Accident Claims Tribunal, Pathanamthitta, to consider the applications for setting aside the award filed in O.P.(MV) No.251/2005, within six weeks from the date of receipt of a copy of this judgment. To work out the reliefs as above, the revenue recovery proceedings against the petitioner shall be deferred for a period of two months.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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