

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 26446 of 2015 (E)

PETITIONER(S):

**MOHAMMEDKUTTY, S/O.MOINDEEN HAJI,
AGED 53 YEARS, NALAKATH HOUSE,
VELUTHAPARAMBIL, CHELEMBRA P.O.,
MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN**

RESPONDENT(S):

- 1. DEPUTY TAHSILDAR (R.R), TALUK OFFICE, KONDOTTY, .
MALAPPURAM DISTRICT, PIN - 673 638.**
- 2. THE ORIENTAL INSURANCE CO. LTD.,
BRANCH OFFICE, JASEELA COMPLEX,
BYPASS JUNCTION, NILAMBUR ROAD, MANJERI P.O.,
MALAPPURAM DISTRICT - 676 121.**
- 3. UBAID, S/O.ABOOBACKER, AGED 26 YEARS, KANDAPPAN HOUSE,
NOOCHIKKAL, SUPER BAZAR, PARAMBIL PEEDIKA P.O.,
MALAPPURAM DISTRICT, PIN - 676 317.**

**R1 BY GOVERNMENT PLEADER SRI.RANJITH
R2 BY ADV. SMT.K.S.SANTHI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 26446 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE AWARD DT. 19/11/14 IN OP(MV) NO. 286/13 PASSED BY
MOTOR ACCIDENTS CLAIMS TRIBUNAL , TIRUR.**

**EXT.P2: TRUE COPY OF THE DEMAND NOTICES DT. 27/6/15 (TALUK FILE NO.
2015/259/10/700/R4) ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.**

**EXT.P3: TRUE COPY OF THE REVIEW PETITION NO 3000/15 DT. 29/7/15 IN OP(MV)
NO. 286/13 FILED BY THE PETITIONER BEFORE THE MACT, TIRUR.**

**EXT.P4: TRUE COPY OF IA NO. 2999/15 DT. 29/7/15 IN REVIEW PETITION NO 3000/15
FILED BY THE PETITIONER BEFORE THE MACT, TIRUR.**

**EXT.P5: TRUE COPY OF IA NO. 3001/15 DT. 29/7/15 IN REVIEW PETITION NO 3000/15
FILED BY THE PETITIONER BEFORE THE MACT, TIRUR.**

**EXT.P6: TRUE COPY OF FITNESS CERTIFICATE OF THE PETITIONER'S VEHICLE NO.
KL-10Y 1962.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.
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W.P.(C). No. 26446 of 2015
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Dated this the 12th day of October, 2015

JUDGMENT

The petitioner, who is a registered owner of a stage carriage bus bearing registration No. KL-10Y-1962, is aggrieved by Ext.P1 award passed by the Motor Accident Claims Tribunal, Tirur, whereunder, the Tribunal after awarding compensation to the persons, who sustained injuries in the accident, permitted the insurance company to recover the amounts from the petitioner. Ext.P2 is the demand notice issued to the petitioner by the 1st respondent and it is the case of the petitioner that, immediately on coming to know of Ext.P1 award through the said demand notice, he had preferred Exts.P3 to P5 applications for review, delay condonation and stay, before the MACT, Tirur and the said applications are stated to be pending before the said Tribunal. In the writ petition, the limited prayer of the petitioner is for a direction to the MACT, Tirur, to consider and pass orders on Exts.P3 to P5 applications, within a stipulated time frame and to keep the recovery steps pursuant to Ext.P2 notice in abeyance, till such time as orders are passed by the Tribunal in the aforesaid applications.

2. I have heard the learned counsel appearing for the petitioner as also the learned Standing Counsel appearing for the 2nd respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of the report submitted by the Additional District Judge, MACT, Tirur, that orders can be passed in IA Nos. 2999 of 2015 and 3001 of 2015 within one month from 13.11.2015, I dispose the writ petition with the following directions:

- (i) The Motor Accident Claims Tribunal, Tirur, shall consider and pass final orders in IA Nos. 2999 of 2015 and 3001 of 2015, on or before 13.12.2015.
- (ii) Recovery steps pursuant to Ext.P2 demand notice shall be kept in abeyance, till such time as orders are passed by the MACT Tirur, as directed above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE