IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 14TH DAY OF DECEMBER 2020 / 23RD AGRAHAYANA, 1942

OP (MAC).No.98 OF 2020

AGAINST THE ORDER/JUDGMENT IN OPMV 287/2016 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, NEYYATTINKARA

PETITIONER/CLAIMANT:

PRASANTH
AGED 38 YEARS
S/O. LATE VIKRAMAN NAIR, KUMARA MANDIRAM,
PIRIYACODE, OORUTTAMBALAM, THIRUVANANTHAPURAM-07.

BY ADVS.
SRI.G.RANJU MOHAN
SMT.M.SANTHI (K/868/2011)

RESPONDENTS/RESPONDENTS:

1 **MANAGING DIRECTOR**
KSRTC CHIEF POLICE, TRANSPORT BHAVAN, FORT,
THIRUVANANTHAPURAM-23.

2 **ASAIN M.P.,**
S/O. MOHAMMED, MAILAM PARAMBATH VEEDU, PERINGOLAM,
PERUVAYAL P.O., KUNNAMANGALAM, KOZHIKODE-08,
PRESENTLY WORKING AS DRIVER, KSRTC POOVAR DEPOT,
POOVAR, THIRUVANANTHAPURAM-25.

3 **NEW INDIA ASSURANCE COMPANY LIMITED,**
REPRESENTED BY THE GENERAL MANAGER,
III PART CLAIMS HUB, PULIMOODU,
THIRUVANANTHAPURAM-01.

R1 BY ADV. SRI.P.C.CHACKO(PARATHANAM)

SRI ZIYAD RAHMAN, SC

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 14.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner states that he is the claimant in O.P.(M.V) No.287 of 2016, on the files of the Motor Accidents Claims Tribunal, Neyyattinkara. By Ext.P1 award, the petitioner was allowed to realise an amount of Rs.41,93,000/- with interest at 8% per annum from the date of filing of the claim petition. He states that an execution petition has been filed before the Tribunal and the same is pending consideration. While so, the Insurance Company, the 3rd respondent herein has filed a review petition seeking to review Ext.P1 award along with an application for condonation of delay. The petitioner has filed a detailed objection and the same is pending. It is the case of the petitioner that he has suffered 80% disability and is permanently bed-ridden. The petitioner contends that the objective of the Insurance Company is to delay the execution proceedings and to deny the benefits of the award reaching the petitioner. According to him, though the review petition was filed as early as on 9.6.2020, no orders have been passed till date. It is in the afore circumstances, the petitioner is before this Court seeking direction to the Tribunal to take up the review petition as well as the application for condonation of delay and dispose of those applications in a time frame.

2. I have considered the submissions advanced by Sri.Ranju

Mohan G, the learned counsel appearing for the petitioner, Sri.Ziyad Rahman, the learned counsel appearing for the 3rd respondent and Sri.P.C.Chacko, the learned standing counsel appearing for the 1st respondent.

3. Sri. Ranju Mohan, the learned counsel, submits that the petitioner is seriously ill and bedridden and depends on the assistance of his family members even to meet his primary needs. He submits that necessary directions be issued to pay at least 50% of the compensation which has been deposited before the court by the 3rd respondent to enable the petitioner to tide over the present situation.

4. Having considered the submissions advanced, this Original Petition is disposed of directing the Motor Accidents claims Tribunal, Neyyattinkara to take up R.P.No. 1 of 2020 in O.P.(M.V) No. 287/2016 and pass orders on the same expeditiously, at any rate, within a period of 14 days from the date of production of a copy of this judgment. It is for the petitioner to seek disbursal of amounts before the Tribunal and if any application is filed, the same shall be considered and appropriate orders shall be passed.

Sd/-

RAJA VIJAYARAGHAVAN V

JUDGE

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APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	**CERTIFIED COPY OF THE AWARD DATED 16/09/2019 IN OP(MV) NO.287/2016.**
EXHIBIT P2	**TRUE COPY OF THE REVIEW PETITION ALONG WITH THE APPLICATION FOR CONDONATION OF DELAY FILED BY THE 3RD RESPONDENT.**
EXHIBIT P3	**TRUE COPY OF THE OBJECTION TO THE EXT.P2 REVIEW PETITION AND CONDONATION OF DELAY, FILED BY THE PETITIONER.**

RESPONDENTS EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE