IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

THURSDAY, THE 10TH DAY OF APRIL 2025 / 20TH CHAITHRA, 1947

OP (MAC) NO. 48 OF 2025

AGAINST THE AWARD DATED 12.08.2024 IN OPMV NO.23 OF 2023 OF MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPPALAM

PETITIONER/PETITIONER/RESPONDENT NO.2:

VIPIN DAS,
AGED 43 YEARS
S/O SIVADAS, VAKKAD HOUSE, KINASSERY, KANNADI POST,
PALAKKAD DISTRICT, PIN - 678701

BY ADVS.
ARUN ASHOK
NEENA JAMES

RESPONDENTS/RESPODNENTS/PETITIONERS AND RESPONDENT NO.1:

1 **GOPALAN,**
AGED 60 YEARS
S/O. CHAKKAN, RESIDING AT MANAKKALPADI HOUSE,
PAVUKKONAM POST, VANIYAMKULAM, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679522

2 **LEELA,**
AGED 53 YEARS
W/O. GOPALAN, RESIDING AT MANAKKALPADI HOUSE,
PAVUKKONAM POST, VANIYAMKULAM, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679522

3 DILEEP M.P.,
AGED 30 YEARS
S/O. GOPALAN RESIDING AT MANAKKALPADI HOUSE,
PAVUKKONAM POST, VANIYAMKULAM, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679522

4 DEEPA M.P.,
AGED 28 YEARS
D/O. GOPALAN, RESIDING AT MANAKKALPADI HOUSE,
PAVUKKONAM POST, VANIYAMKULAM, OTTAPALAM TALUK,
PALAKKAD DISTRICT, PIN - 679522

5 NIKHIL RAJEEVAN
AGED 29 YEARS
S/O RAJEEVAN E. P, ETTUNGAL HOUSE,PILATHARA,
CHUNANGAD P.O, OTTAPALAM TALUK, PALAKKAD DISTRICT,
PIN - 679511

THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 10.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This original petition has been filed seeking early disposal of Ext.P4 application filed by the petitioner for setting aside the ex parte award in O.P.(MV) No.23 of 2023 on the file of the Motor Accidents Claims Tribunal, Ottapalam and Ext.P5 application filed for condonation of delay in filing the aforesaid application for setting aside the ex parte decree.

Having heard the learned counsel appearing for the petitioner, I am of the opinion that since the award itself was only on 12.08.2024 and considering the fact that the applications have been filed to set aside the ex parte award, this original petition can be disposed of directing the Motor Accidents Claims Tribunal, Ottapalam to consider and pass orders on Exts.P4 and P5 applications within a period of six weeks from the date of receipt of a certified copy of this judgment. The revenue recovery proceedings initiated to recover amounts payable by the petitioner in terms of the award to remain suspended for a period of six weeks.

Sd/-
GOPINATH P.
JUDGE

Scl/

APPENDIX OF OP (MAC) 48/2025

PETITIONER EXHIBITS

Exhibit P1	**A TRUE COPY OF THE AWARD IN O.P (M.V) NO. 23/2023 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM DATED 12-08-2024**
Exhibit P2	**A TRUE COPY OF REVENUE RECOVERY DEMAND NOTICE ISSUED BY THE DEPUTY TAHSILDAR, PALAKKAD TALUK DATED 13-03-2025**
Exhibit P3	**A TRUE COPY OF E-COURT PROCEEDINGS ON 10-05-2023 IN O.P (M.V) NO. 23/2023 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM DATED NIL**
Exhibit P4	**A TRUE COPY OF I.A NO. 875/2025 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM DATED 26-03-2025**
Exhibit P5	**A TRUE COPY OF I.A NO. 876/2025 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM DATED 26-03-2025**