SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Prasad V. vs Sudheesh Kumar

Prasad V. vs Sudheesh Kumar

SooperKanoon Citation : sooperkanoon.com/1382767

Court : Kerala

Decided On : Aug-24-2023

Judge : Honourable Mr.Justice Murali Purushothaman

Appeal No. : OP (MAC)/117/2023

Appellant : Prasad V.

Respondent : Sudheesh Kumar

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE MURALI PURUSHOTHAMAN THURSDAY, THE 24TH DAY OF AUGUST 2023 / 2ND BHADRA, 1945 OP (MAC) NO. 117 OF 2023 AGAINST THE ORDER/JUDGMENT OPMV 1610/2020 OF MOTOR ACCIDENT CLAIMS TRIBUNAL & SPECIAL COURT FOR E.C. ACT CASES, THRISSUR PETITIONER/PETITIONER IN OP(MV): PRASAD V. AGED 42 YEARS S/O. RADHAKRISHNAN, VELLOLIL HOUSE, PRIYADARSHINI NAGAR, KANNAPURAM, CHETTUPUZHA P. O., THRISSUR, PIN - 680 012. BY ADVS. O.A.NURIYA REVATHY P. MANOHARAN ANAND B. MENON RESPONDENTS/RESPONDENTS IN OP(MV): 1 SUDHEESH KUMAR AGED 43 YEARS S/O.

SUBRAMANIAN, PULIKKAN HOUSE, VADOOKKARA, KOORKENCHERY P. O., THRISUUR, PIN - 680 007. 2 VINOD C.K. S/O. KUNJISANKARAN, CHAKKANDAN HOUSE, THALIKULAM P. O., THRISSUR, PIN - 680 569. 3 DIVISION MANAGER, THE NEW INDIA ASSUARANCE CO. LTD, PERINCHERY BUILDING, ROUND NORTH, THRISSUR - 680 001. SRI. LAL K. JOSEPH - SC THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 24.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, who is the claimant in O.P (MV) No.1610 of 2020, on the files of the Motor Accidents Claims Tribunal, Thrissur has filed this OP(MAC) for an expeditious disposal of the claim petition. This Court, by order dated 16.08.2023, directed the Registry to call for a report from the Tribunal as to the minimum time required for disposing of the claim petition.

2. A report has been submitted by the Motor Accidents Claims Tribunal, Thrissur to the Registry of this Court wherein it is reported as follows:-

> OP(MV)1610/2020 pending before this Tribunal is originally posted to 13.02.2024 for written statement of the 3rd respondent. The respondent Nos.1 and 2 in the said OP remained absent and accordingly they were called absent and set ex parte. In view of the letter of the Honble High Court of Kerala referred to above, the case has been suo-motu advanced and re-posted for the written statement of the 3rd respondent to 11.09.2023
>
> and notice was ordered to be issued to either side through counsel. In this case the written statement of the 3rd respondent is yet to be filed. As such the case is not ripe for disposal for the time being. I may submit that the case can be disposed of on filing the written statement by the 3rd respondent and also after completing necessary steps. The same can be done within six months from 11.09.2023. In the above circumstances, I

may submit that OP(MV)1610/2020 pending before this Tribunal can be disposed of within six months from 11.09.2023 ie. by 11.03.2024, The aforesaid facts are humbly submitted.

In the light of the said report, this Original Petition is disposed of with an observation that the Tribunal will endeavour to dispose of OP(MV) No.1610 of 2020, within the period stated in the report. Sd/- MURALI PURUSHOTHAMAN JUDGE SPR APPENDIX PETITIONERS EXHIBITS:- EXHIBIT P1 A TRUE COPY OF THE CLAIM PETITION FILED BY THE PETITIONER HEREIN NUMBERED AS OP (MV) NO. 1610 OF 2020 ON THE FILES OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, THRISSUR DATED 26.08.2020. EXHIBIT P2 A TRUE COPY OF THE PRINT OUT OF THE PROCEEDINGS EXTRACT FROM ECOURTS KERALA STATUS DATED 10.08.2023. RESPONDENTS EXHIBITS: NIL.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com