IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.N.RAVINDRAN

THURSDAY, THE 30TH APRIL 2009 / 10TH VAISAKHA 1931

WP(C).No. 12886 of 2009(E)

OPMV.671/2006 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
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PETITIONER:

    MAHAMOOD, SON OF LATE SRI AHMMED
    RAWTHER, AGED 34 YEARS,
    RESIDING AT KALACHIRA, CHARIVUPURAYIDAM,
    ALIYARACKAL, KONNI.P.O.,PATHANAMTHITTA.

  BY ADV. SRI.P.GOPAKUMARAN NAIR
      SRI.C.S.DIAS
      SRI.N.K.SUBRAMANIAN
      SRI.K.V.ANIL KUMAR

RESPONDENTS:
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  1. NATIONAL INSURANCE CO.LTD., HAVING ITS
    OFFICE AT PALA, KOTTAYAM DIST., REPRESENTED BY ITS
    ADMINISTRATIVE OFFICER.

  2. SIRAJ, SON OF SRI SHAMSUDIN, AGED 28
    YEARS, KOCHUPARAMBIL HOUSE, PAIPPADU VILLAGE,
    PAIPPADU KARA, CHANGANACHERRY.

  3. THE TAHSILDAR(R.R.) PATHANMTHITTA,
    PATHANAMTHITTA DIST.

    BY SRI.JACOB MATHEW FOR R1

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30/04/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.N.RAVINDRAN, J.

W.P(C) No.12886 of 2009

Dated this the 30th day of April, 2009.

J U D G M E N T

Heard Sri.N.K.Subramanian, the learned counsel appearing for the petitioner. In this writ petition the petitioner challenges Ext.P3 order passed by the Motor Accidents Claims Tribunal, Pala directing R.R. Certificate to be issued in favour of the National Insurance Company Ltd. The pleadings disclose that the petitioner was a party to Ext.P1 award passed by the Motor Accidents Claims Tribunal, Pala. As per the said award, the insurer was directed to pay the compensation and to recover it from the petitioner. Though the petitioner was served with notice he did not contest the application for compensation and was therefore set ex-parte. The insurer paid the compensation and thereafter moved the Tribunal for a certificate to enable them to recover the compensation paid by them from the owner of the vehicle. In my opinion, the petitioner who was set ex-parte had no right to be heard before Ext.P3 order was passed. The challenge to Ext.P3 is in my opinion without any merit. The writ petition fails and is accordingly dismissed.

Sd/-
P.N.RAVINDRAN
JUDGE

//True Copy//

PA to Judge