



2025:KER:95037

O.P(MAC) 107/2023

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 10TH DAY OF DECEMBER 2025 / 19TH AGRAHAYANA, 1947

OP (MAC) NO. 107 OF 2023

CRIME NO.503/2022 OF EDATHUA POLICE STATION, ALAPPUZHA

AGAINST THE ORDER/JUDGMENT DATED IN OPMV NO.503 OF 2022 OF
MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA

PETITIONER/CLAIMANT:

JOSEPH T. J,
AGED 58 YEARS
S/O. JOSEPH, RESIDING AT THATTANGATTU HOUSE,
PANDANKARY P.O, EDATHUA VILLAGE, KUTTANADU TALUK,
ALAPPUZHA, PIN - 689573

BY ADVS.
SRI.RAHUL SASI
SMT.NEETHU PREM
SMT.ARCHANA VINOD

RESPONDENTS/RESPONDENTS:

- 1 ALEX ABRAHAM,
AGED 25 YEARS
S/O. MATHAI ABRAHAM, RESIDING AT KUNNEL HOUSE,
ANAPRAMBAL NORTH P.O, THALAVADY VILLAGE, KUTTANADU
TALUK, ALAPPUZHA, PIN - 689577
- 2 AMMAL P. M,
S/O.MATHAI ABRAHAM, RESIDING AT KUNNEL HOUSE,
ANAPRAMBAL NORTH P.O, THALAVADY VILLAGE, KUTTANADU
TALUK, ALAPPUZHA, PIN - 689577



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- 3 THE GENERAL MANAGER, THE RELIANCE GENERAL INSURANCE
COMPANY LIMITED,
2ND FLOOR, KABEER PLAZA, YMCA BOAT JETTY ROAD,
ALAPPUZHA, PIN - 688001

- 4 MOTOR ACCIDENTS CLAIM TRIBUNAL, ALAPPUZHA,
KIDANGAMPARAMP, THATHAMPALLY, ALAPPUZHA MUNICIPALITY,
AMBALAPUZHA TALUK, ALAPPUZHA, PIN - 688013

BY ADVS.
SRI.P.VISHNU PRASAD
SRI.GEORGE A.CHERIAN, SC

THIS OP (MAC) HAVING BEEN FINALLY HEARD ON 02.12.2025, THE
COURT ON 10.12.2025 DELIVERED THE FOLLOWING:



MOHAMMED NIAS C.P., J.

.....
O.P(MAC) No.107 of 2023
.....

Dated this the 10th day of December, 2025

JUDGMENT

The petitioner is claiming compensation of Rs.15,26,656/- for the injury sustained in the accident that occurred on 25.08.2022. Along with the claim petition, an I.A. was filed seeking exemption from payment of the Court fee and an Additional Court Fee (LBF) exemption petition. The tribunal found that two separate petitions were not filed for the Court Fee and Legal Benefit Fund exemption, and rejected the said claim petition.

2. It is submitted that there exists no statutory requirement, Rule, Circular or direction mandating the filing of two separate petitions. Despite Ext. P3 RTI application dated 30.09.2022 filed by the counsel of the original petition on an earlier occasion as to whether separate petitions are required, the Tribunal failed to disclose any provision supporting such a requirement, which itself demonstrates that the



insistence on two separate petitions is unsustainable and without legal foundation.

3. The petitioner further submits that the Legal Benefit Fund is only an additional court fee under Section 4A of the Kerala Court Fees and Suits Valuation Act, 1959, read with Rule 397 of the Kerala Motor Vehicles Rules, 1989, and that exemption from both can be sought through a single petition. The Tribunal's insistence on two separate applications is a needless technicality and contrary to the simplified, speedy process contemplated for claims under the Motor Vehicles Act. The refusal to even number the petition causes serious prejudice to an accident victim and defeats the beneficial object of the legislation. The petitioner, therefore, seeks a direction to the 4th respondent Tribunal to take Ext. P1 on its file and proceed with the same.

4. Heard the learned counsel for the petitioner, Sri. Rahul Sasi and Smt. Neethu Prem, and Sri. George A Cherian, learned Standing Counsel for the Insurance company.

5. On consideration of the submissions, this Court finds that the



rejection of Ext. P1 by the Motor Accidents Claims Tribunal, Alappuzha, on the ground that separate applications are required for exemption from Court Fee and Legal Benefit Fund (LBF), is without any legal foundation. There is no Rule, provision, or practice mandating bifurcated applications for such exemptions. Rule 397(2) of the Kerala Motor Vehicles Rules, 1989 expressly enables the Tribunal to exempt payment of the prescribed fee at the initial stage, with liberty to realise the same from the award. Further, as held in *Francis Cletus v. Koppara Kunhimon* (2024 KHC Online 10110) and *Shree Dhanwantri Chits India Private Limited v. Babu* (2024 (1) KHC 415), the LBF is, in essence, an additional court fee, and there is no statutory basis to insist that exemption from the Court Fee and exemption from the LBF must be sought separately. Merely because a purpose is specified for utilisation of the Legal Benefit Fund, which includes other court fee collected as well, the nature and character of the amount collected under Section 76(1) will not cease to be that of a court fee, the whole of which is refundable under Section 69A, and the additional fee levied for constituting the LBF continues to remain nothing but court fee.



6. It is well settled that while interpreting social welfare legislation, courts are under a constitutional and statutory obligation to adopt a beneficent, purposive and socially oriented construction. The interpretation must invariably advance the object of the enactment and protect the rights of the class for whose benefit the statute has been framed. Courts cannot remain indifferent to the constitutional mandate of social justice, nor can they permit pedantic literalism or so-called "semantic luxuries" to frustrate the realisation of welfare objectives embodied in what are essentially "bread and butter" statutes.

7. The interpretive exercise must, therefore, be informed by the text, context, and the scheme of the provision, the mischief sought to be remedied, and the overarching purpose of the legislation. Courts are duty-bound to free themselves from narrow linguistic constraints and to adopt an interpretation that promotes the remedy, avoids manifest absurdity, and meaningfully bridges the gap between the law and the lived realities of society while remaining faithful to the statutory framework.

8. In matters of social justice adjudication, the courts must



further ensure that access to justice remains litigant-centric, transparent, and unencumbered by unwarranted procedural impediments. Procedural barriers and technical requirements that are not contemplated by the statute cannot be allowed to defeat substantive rights. Where a conflict arises between substantive justice and hyper-technicalities, the former must necessarily prevail.

9. The *raison d'être* of law and of courts is to secure finality and effective resolution of disputes. Any approach that encourages multiplicity of proceedings and needless prolongation of litigation strikes at the very heart of this foundational principle and cannot be countenanced.

10. Resultantly, the Tribunals cannot insist on filing two applications. The Tribunal, being a special forum created under beneficial legislation, is required to ensure a simplified and speedy process for accident victims. Introducing technical conditions not contemplated by statute frustrates the very purpose of the Motor Vehicles Act and prejudices injured claimants. The refusal to number Ext. P1, for want of two separate applications, is thus contrary to the scheme governing



MACT proceedings.

11. Accordingly, there shall be a direction to the 4th respondent, Tribunal, to number Ext. P1 claim petition and to proceed in accordance with the law.

The Registry is directed to intimate this judgment to all Motor Accidents Claims Tribunals forthwith, for compliance.

The Original Petition is allowed as above.

Sd/-

**MOHAMMED NIAS C.P.
JUDGE**

okb



APPENDIX OF OP (MAC) NO. 107 OF 2023

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE ORIGINAL PETITION IN UNNUMBERED O.P(MV) OF YEAR 2023
- Exhibit P2 TRUE COPY OF THE DOCKET OF THE ORIGINAL PETITION FILED BEFORE THE MOTOR ACCIDENTS CLAIM TRIBUNAL, ALAPPUZHA
- Exhibit P3 TRUE COPY OF THE APPLICATION DATED 30.09.2022 UNDER THE RIGHT TO INFORMATION ACT SUBMITTED TO THE PUBLIC INFORMATION OFFICER OF THE 4TH RESPONDENT TRIBUNAL BY THE COUNSEL APPEARING FOR THE PETITIONER
- Exhibit P4 TRUE COPY OF THE REPLY DATED 25.10.2022 TO EXHIBIT P3 RTI APPLICATION
- Exhibit P5 TRUE COPY OF THE S.R.O NO. 949 OF 2021 DATED 26.11.2021 OF GOVERNMENT OF KERALA
- Exhibit P6 TRUE COPY OF THE OFFICIAL MEMORANDUM DATED 02.02.2021 OF THIS COURT