

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

OP(C).No. 539 of 2015 (O)

(OP(MV) 940/2005 of M.A.C.T.,ERNAKULAM)

PETITIONER:

VARGHESE @ BIJU, AGED 44,
S/O. GEORGE, KIZHAVANA VEETIL,
KADAVANTHRA P.O., KOCHI - 682 020.

BY ADV. SMT.K.N.BINDU

RESPONDENTS:

1. BIJU K.S., S/O. SUPRAN,
KONNATHARA HOUSE, THYKODAM,
KOCHI - 682 019.
2. SAJIMON TRANSPORT CO. PVT LTD.,
REP. BY ITS MANAGER,
WELLINGTON ISLAND, KOCHI - 682 003.

THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.(C) 539/2015

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1 : COPY OF EXECUTION PETITION IN E.P.254/12.

EXT. P2 : COPY OF AWARD IN O.P.(MV) 940/2005.

EXT. P3 : COPY OF PETITION FILED AS E.A.33/2013.

RESPONDENTS' EXHIBITS: NIL.

// True Copy //

P.A. to Judge.

smp

P.BHAVADASAN, J.

Original Petition (Civil) No.539 OF 2015

Dated this the 27th day of February, 2015.

J U D G M E N T

In an MACT proceedings, petitioner who was the driver of the offending vehicle was made jointly and severally liable along with the owner of the vehicle since Insurance Company was exonerated from paying the amount.

2. It is pointed out by the learned counsel appearing for the petitioner that Ext.P3 petition has been filed by the claimant giving up his claim as against the petitioner and when that petition is pending consideration, revenue recovery proceedings have been initiated and that may cause considerable injustice to the petitioner. The only prayer is that till Ext.P3 is considered and disposed of, revenue recovery proceedings may not be continued.

3. In the light of the fact that the claimant has filed Ext.P3 petition before Motor Accidents Claim Tribunal, Ernakulam giving up his claim as against the petitioner herein, it is only just and proper that the said petition be taken and dispose of on merits

and thereafter revenue recovery proceedings be continued if necessary.

This original petition is disposed of directing that revenue recovery proceedings initiated against the petitioner shall be kept in abeyance till Ext.P3 petition is disposed of by Motor Accidents Claim Tribunal, Ernakulam.

Sd/-

P.BHAVADASAN
JUDGE

smp