

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936**

**OP (MAC).No. 15 of 2015 (O)**

**(I.A.NO.4726/2014 IN OP(MV).NO. 99/1991 OF MOTOR ACCIDENT CLAIMS  
TRIBUNAL, THALASSERY)**

**PETITIONER/1ST PETITIONER/PETITIONER :**

**MUZHUPRAVAN RAMACHANDRAN,  
S/O.KUNHIKANNAN, RESIDING AT AISWARYA, VILAMANA,  
IRITTY P.O., KANNUR DISTRICT.**

**BY ADV. SRI.P.U.SHAILAJAN**

**RESPONDENT(S)/SUPPL.PETITIONERS 2 TO 5 & SUPPL. RESPONDENTS 2 TO 6 AND  
1ST RESPONDENT :**

- 1. V.P.REMANI,AGED 50 YEARS, W/O.LATE M.P.KESAVAN,  
RESIDING AT CHERIPPERI HOUSE P.O., MAMBARAM,  
KELANNUR, KANNUR- 670 741**
- 2. M.P.REMYA, AGED 26 YEARS,D/O.LATE M.P.KESAVAN,  
RESIDING AT CHERIPPERI HOUSE P.O., MAMBARAM,  
KELANNUR, KANNUR- 670 741**
- 3. M.P.SARMITH, AGED 25 YEARS, S/O.LATE M.P.KESAVAN,  
RESIDING AT CHERIPPERI HOUSE P.O., MAMBARAM,  
KELANNUR, KANNUR- 670 741**
- 4. M.P.RAJINA,AGED 24 YEARS, D/O.LATE M.P.KESAVAN,  
RESIDING AT CHERIPPERI HOUSE P.O., MAMBARAM, KELANNUR,  
KANNUR -670 741**
- 5. M.P.BALAN,AGED 70 YEARS,S/O.KUNHAMBU,  
RESIDING AT MEETHALE PURAYIL HOUSE,  
P.O.NEDUVANAD, KANNUR DISTRICT -670 752**
- 6. M.P.RAJAN,AGED 66 YEARS,S/O.KUNHAMBU,  
RESIDING AT MEETHALE PURAYIL HOUSE,  
P.O.NEDUVANAD, KANNUR DISTRICT- 670 752**
- 7. M.P.KRISHNAN,AGED 61 YEARS,  
RESIDING AT MEETHALE PURAYIL HOUSE, P.O.NEDUVANAD,  
KANNUR DISTRICT- 670 752**

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8. M.P.RAGHAVAN,AGED 55 YEARS,  
RESIDING AT CHITHIRA NIVAS, AADI AKADALAYIL,  
P.O.KOTTAMMAL, KANNUR- 670 001
9. M.P. PREMAN,AGED 52 YEARS,  
RESIDING AT MEETHALE PURAYIL HOUSE,  
P.O.NEDUVANAD,KANNUR DISTRCT -670 752
10. P.MAMMOOTTY,  
S/O.MAKKKI, PUTHIYAPRAMBU, P.O.VENGAD,  
ANJARAKANDY, KANNUR DISTRICT- 670 612

THIS OP (MAC) HAVING COME UP FOR ADMISSION  
ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE IA.NO.4392/2013 IN OP.NO.99/1991 OF THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
- P2: TRUE COPY OF THE COUNTER STATEMENT FILED BY THE PETITIONER IN IA. NO.4392/2013 IN OP.NO.99/1991
- P3: TRUE COPY OF THE AFFIDAVIT DATED 20.09.2014 FILED IN SUPPORT OF THE PETITION ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
- P4: TRUE COPY OF THE COUNTER STATEMENT IN IA.NO.4726/2014 IN OP(MV) NO.99/91 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY
- P5: TRUE COPY OF THE ORDER DATED 30.09.2014 IN IA. NO.4726/2014 IN OP (MV) NO.99/1991

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.S.TO.JUDGE

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**K. Vinod Chandran, J.**

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O.P.(MAC)No.15 of 2015

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Dated this the 6<sup>th</sup> day of February, 2015.

**JUDGMENT**

1. Petitioner is aggrieved with the proceedings for recovery taken by the Motor Accidents Claims Tribunal, Thalassery, as is evidenced at Ext.P5. Revenue recovery proceedings has been initiated, which, however, is not produced in the above writ petition. Admittedly, the claim was with respect to an accident, which occurred on 12.4.1991. The claimant, who suffered the injury, died while the claim petition was pending before the Tribunal. The mother, wife and the children of the claimant, impleaded themselves and prosecuted the claim before the Tribunal. An award was passed and an appeal was filed and it is stated that the order in appeal was dated 13.11.2003, affirming the award passed by Tribunal. Not a pie has been paid till now as against the award passed.
2. The claimants, having not received the compensation, filed an

application for initiating revenue recovery proceedings and in that, a counter affidavit was filed by the petitioner herein, as is evidenced at Ext.P2, seeking to pay the award amount at Rs.10,000/- per month. The said request was made in the year 2013.

3. Subsequently, without paying even one instalment as sought for, the petitioner filed an application in the year 2014, seeking to pay the balance amount at the rate of Rs.25,000/- per month. Petitioner, to show his *bona fides*, again did not pay even one instalment before the Tribunal, as per the undertaking in the aforesaid petition. The Tribunal, by order dated 30.9.2014, refused to interfere with the revenue recovery proceedings, already initiated. This Court is not inclined to interfere with the order passed by the Tribunal at Ext.P5.
4. However, if the petitioner files an application before the Tribunal with a prayer to pay the amount in instalment and pays Rs.1,00,000/- within fifteen days from today, then the Tribunal shall immediately disburse the said amount to the claimants and compute the balance amount due, at the instance of the claimants. Petitioner shall start

paying the amounts so computed in nine instalments, starting from 21.3.2015 and on the 21<sup>st</sup> of every succeeding month. Recovery proceedings shall be kept in abeyance on the petitioner paying the 1<sup>st</sup> instalment of Rs.1,00,000/- within the time specified and scrupulously complying the further instalments. The Tribunal shall monitor the payment of instalments regularly, by posting the petition on the 22<sup>nd</sup> of every month and shall, on the said date itself, disburse the amount deposited to the claimants. If one default is committed, revenue recovery proceedings shall be resumed against the petitioner. On payment of the entire amounts computed by the Tribunal, the Tribunal shall also issue a statement of future interest due again at the instance of the claimants and the same shall be deposited by the petitioner as the 11<sup>th</sup> instalment.

Original Petition dismissed with the above directions.

**K. Vinod Chandran, Judge.**

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