

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS

TUESDAY, THE 12TH DAY OF MAY 2015/22ND VAISAKHA, 1937

OP (MAC).No. 53 of 2015 (O)

**AGAINST THE ORDER/JUDGMENT IN OPMV 466/2003 of ADDL.M.A.C.T., TRICHUR
DATED 18-05-2007**

PETITIONER(S):

**JOHN THIMOTHY, AGED 48 YEARS
S/O.THIMOTHY, CHAKKALAKKAL HOUSE, NEAR ASRAMAM
PARALAM P.O, VENGINISSERY, THRISSUR - 680 575.**

**BY ADVS.SRI.C.HARIKUMAR
SMT.C.B.ANUROOPA**

RESPONDENT(S):

- 1. DEPUTY TAHASILDAR
OFFICE OF THE TAHSILDAR (REVENUE RECOVERY)
THRISSUR - 680 020.**
- 2. VILLAGE OFFICER
VILLAGE OFFICE, VENGINISSERY VILLAGE
THRISSUR - 680 013.**

ADDITIONAL RESPONDENT:

- 3. UNITED INDIA INSURANCE COMPANY LTD.,
PARK HOUSE, ROUND NORTH,
THRISSUR 680 001,
REP. BY ITS DEPUTY MANAGER.**

(R3 IS IMPEADED AS PER ORDER IN I.A.NO.6263/2015 ON 12.5.2015)

GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKKAN

**THIS OP (MAC) HAVING COME UP FOR ADMISSION ON 12-05-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

OP (MAC).No. 53 of 2015 (O)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1 - A TRUE COPY OF THE AWARD IN OP(MV)NO.466 OF 2003 OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL, THRISSUR DATED 18.05.2007
EXT.P2 - A TRUE COPY OF THE DEMAND NOTICE DATED 6.1.2015 UNDER SECTION 7
OF THE REVENUE RECOVERY ACT.
EXT.P3 - A TRUE COPY OF THE DEMAND NOTICE DATED 6.1.2015 UNDER SECTION 34
OF THE REVENUE RECOVERY ACT.
EXT.P4 - A TRUE COPY OF THE PARTICULARS OF THE VEHICLE NO. KL 8 B 8215
ISSUED BY THE JOINT RTO THRISSUR.**

RESPONDENT(S)' EXHIBITS

NIL.

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///True copy///

P.S. to Judge

ALEXANDER THOMAS, J.

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O.P.(M.C)No. 53 of 2015

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Dated this the 12th day of May , 2015

J U D G M E N T

This Original Petition is filed with the following prayers:

- i. Direct the Motor Accidents Claims Tribunal, Thrissur to keep in abeyance the further proceedings against the petitioner in E.P.No.138 of 2013 in O.P(M.V.).No. 466/2003 till a breathing time is given to the petitioner to prefer Appeal against the award in O.P(M.V.).No. 466 of 2003.
- ii. issue such other or further reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

2. After having heard the petitioner's counsel and taking into consideration the facts and circumstances of this case, it is ordered as follows:- The Motor Accidents Claims Tribunal, Thrissur, will issue the certified copy of the impugned Ext.P-1 judgment in O.P(M.V.).No. 466/2003 to the petitioner within ten days from the date of production of a certified copy of this judgment, if such copy application is otherwise in order.

3. The petitioner's counsel submits that the petitioner would file statutory appeal against the impugned Ext.P-1 judgment immediately after getting certified copy of the said judgment.

In the interest of justice it is ordered that impugned Exts.P-2 and P-3 revenue recovery notices now pending against the petitioner will be kept in abeyance for a period of two months from today or till the appellate court considers the stay application, whichever is earlier.

With these observations and directions, the Original Petition (M.A.C) stands finally disposed of.

sd/+
ALEXANDER THOMAS, JUDGE

///True copy///

P.S. to Judge