

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

OP (MAC).No. 150 of 2015 (O)

OP(MV).NO. 1867/2010 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, ERNAKULAM

PETITIONER(S):

- 1. JOSE THOMAS, PROPRIETOR,
JCB FUELS, PATHANAPURAM,
KOLLAM.**
- 2. UNNIKRISHNAN, VILAYIL VEEDU,
PIDAVUR, PATHANAPURAM, KOLLAM.**

**BY ADVS.SRI.S.SANTHOSH KUMAR
SMT.P.LISSY JOSE.**

RESPONDENT(S):

- 1. NATIONAL INSURANCE COMPANY LIMITED,
KALLAKATHARA BUILDING, MAIN ROAD,
PATHANAMTHITTA, PIN-689 645**
- 2. THE DEPUTY TAHSILDAR (RR), TALUK OFFICE,
PATHANAPURAM, PIN-689 695**

**R1 BY ADV. SRI.RAJI T. BHASKAR
SRI.M.A.GEORGE
R2 BY GOVERNMENT PLEADER SRI.V.K.RAFEEK**

**THIS OP (MAC) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE DRIVING LICENCE DATED 06/08/2015 OF THE 2ND PETITIONER.**
- P2 COPY OF THE CERTIFICATE OF TRAINING DATED 19/04/04 OF THE 2ND PETITIONER.**
- P2(A) COPY OF THE CERTIFICATE OF TRAINING DATED 18/08/2010 OF THE 2ND PETITIONER.**
- P3 COPY OF THE AWARD DATED 02/07/2014 OF MACT, ERNAKULAM IN O.P(MV) NO.1867/2010**
- P4 COPY OF THE RR DEMAND NOTICE NO.D3/2015/136/2/500 DATED 25/06/2015 AGAINST THE 1ST PETITIONER.**
- P4(A) COPY OF THE RR DEMAND NOTICE NO.D3/2015/137/2/500 DATED 25/06/2015 AGAINST THE 2ND PETITIONER.**
- P5 COPY OF THE I.A.NO.8161/2015 IN O.P.(MV) NO.1867/2010 FOR REVIEWING THE AWARD**
- P5(A) COPY OF THE I.A.NO.8162/2015 IN OP(MV).NO.1867/2010 FOR CONDONING THE DELAY IN FILING APPLICATION FOR REVIEW.**
- P6 COPY OF THE I.A.NO.7115/2015 IN I.A.NO.9767/2014 IN OP(MV) NO.1867/2010 FOR RECALLING THE REVENUE RECOVERY STEPS.**
- P6(A) COPY OF THE I.A.NO.7116/2015 IN I.A.NO.9767/2014 IN OP(MV) NO.1867/2010 FOR STAYING THE REVENUE RECOVERY PROCEEDINGS.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

K. HARILAL, J.

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O.P. (MAC) No. 150 of 2015

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Dated this the 27th day of November, 2015

J U D G M E N T

Petitioners 1 and 2 are the owner and driver, respectively of tanker lorry bearing registration number KL-02/S-4435. They are aggrieved by the delay in passing orders on the stay petition filed by them before the Motor Accidents Claims Tribunal, Ernakulam and also the revenue recovery steps initiated by the 2nd respondent on a requisition from the Tribunal at the instance of the 1st respondent, Insurance Company for realisation of the award amount paid by the Insurance Company to the claimant in O.P.(M.V.) No. 1867 of 2010. The petitioners are respondents 1 and 2 in Ext.P3 award passed by the Motor Accidents Claims Tribunal, Ernakulam. They were set *ex parte* and the Tribunal

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passed the impugned award, directing the 1st respondent to pay the compensation and realise the same from the petitioners. Aggrieved by the award, though the petitioners have filed I.A. No.8161 of 2015 in O.P.(M.V.) No.1867 of 2010, to review Ext.P3 award, the same has not been disposed of so far and in the meantime revenue recovery proceedings have been issued against the petitioners in execution of Ext.P3 award. This is the grievance projected in this Writ Petition.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the 1st respondent.

3. Having regard to the grievance projected in this Writ Petition, I find that Exts.P5 and P6 applications deserve to be heard and disposed of, at the earliest. In the above view, the Motor Accidents Claims Tribunal, Ernakulam, is directed to dispose of I.A. Nos.8161 of

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2015 and 8162 of 2015, within a period of one month from the date of receipt of a copy of this judgment. The revenue recovery proceedings shall be kept in abeyance, till the disposal of the above I.As.

This O.P.(MAC) is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

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//True copy//

P.A. To Judge