

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 320 of 2015 (L)

PETITIONER:

**ELDHOSE, S/O. KORAKUNJU,
AGED 42 YEARS, POIKKATTIL HOUSE,
CHELAD P.O., KOTHAMANGALAM.**

BY ADV. SRI.C.DILIP

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, KOCHI-30.**
- 2. DEPUTY TAHSILDAR (R.R.),
TALUK OFFICE, KOTHAMANGALAM, PIN-686691.**
- 3. THE VILLAGE OFFICER,
KOTHAMANGALAM VILLAGE,
KOTHAMANGALAM, PIN-686691.**
- 4. M/S. THE ORIENTAL INSURANCE CO. LTD.,
CHURCH VIEW JUNCTION,
KOTHAMANGALAM, PIN-686691.**

**R1 TO R3 SENIOR BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA
R4 BY ADV. SMT.K.S.SANTHI**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 320 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1- TRUE COPY OF AWARD DATED 09-10-2013 IN OP(M.V.)NO. 37/2010 ON THE FILE OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, MUVATTUPUZHA.

EXHIBIT P2- TRUE COPY OF I.A.NO. 2951/2014 DATED 25-02-2014 IN O.P.(MV)NO. 37/2010 ON THE FILE OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, MUVATTUPUZHA.

EXHIBIT P3- TRUE COPY OF DEMAND NOTICE DATED 26-11-2014 ISSUED BY THE SECOND RESPONDENT AGAINST THE PETITIONER INVOKING PROVISIONS UNDER SECTION 7 OF REVENUE RECOVERY ACT.

EXHIBIT P4- TRUE COPY OF DEMAND NOTICE DATED 26-11-2014 ISSUED BY THE 2ND RESPONDENT UNDER SECTION 34 OF THE REVENUE RECOVERY ACT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.320 OF 2015 (L)

Dated this the 7th day of January, 2015

J U D G M E N T

The petitioner, who was the registered owner of a motor cycle, was arrayed as the 2nd respondent in O.P.(MV).No.37/2010 on the file of the Motor Accidents Claims Tribunal, Muvattupuzha. Pursuant to an award passed by the said Tribunal, the 4th respondent Insurance company became entitled to recover an amount of Rs.69,800/-, together with 8% interest from the date of filing of the petition, from the petitioner. It is in this connection that the petitioner was served with Exts.P3 and P4 notices for realisation of an amount of Rs.96,237/- with accrued interest from him. In the writ petition, the petitioner seeks some time for effecting the payment pursuant to the revenue recovery notices served on him.

2. I have heard Sri.C.Dilip, the learned counsel appearing on behalf of the petitioner as also Smt.K.S.Santhi, the learned Standing counsel appearing on behalf of the 4th respondent. I have also heard Sri.Shyson P. Manguzha, the learned Government Pleader appearing

on behalf of respondents 1 to 3.

On a consideration of the facts and circumstances of the case and the submissions made across the Bar, I dispose the writ petition with the following directions:-

(i) If the petitioner pays an amount of Rs.96,237/- together with accrued interest till date in six equal monthly installments commencing from 30.1.2015, then further proceedings pursuant to Exts.P3 and P4 notices shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp