

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 559 of 2015 (t)

PETITIONER:

A.T.MOHAMMED, S/O.KUNHAVARAN, AGED 60 YEARS,
AMMARAMBATH THAZHETHODI HOUSE,
P.O.ULLANAM NORTH, PARAPPANANGADI,
MALAPPURAM DISTRICT.

BY ADVS.SRI.K.P.SUDHEER
SRI.ARUN MATHEW VADAKKAN

RESPONDENT(S):

1. DEPUTY TAHSILDAR (RR), TIRURANGADI,
MALAPPURAM DISTRICT, PIN - 676 306.
2. NATIONAL INSURANCE CO. LTD., D.O.II,
NOOR COMPLEX, NEAR ARAYIDATHPALAM,
CALICUT - 673 001.
3. RASHEED M.K, S/O.MUHAMMEDKOYA,
MELEDATHUKANDI HOUSE, MOOZHICKAL,
ANAKAYAM ROAD, P.O.CHELAVOOR, CALICUT, PIN - 673 571.
4. RAJAMALLI @ RAJI SASEENDRAN,
PRARTHANA HOUSE, P.O.THENHIPALAM, KOYAPPA,
MALAPPURAM DISTRICT, PIN - 673 636.
5. BABY, W/O.UNNIKRISHNAN,
ARIKKUNNUMMEL HOUSE, P.O.AZHINHILAM,
FEROKE COLLEGE VIA, MALAPPURAM, PIN - 673 632.
6. SHAJI, S/O.GANGADHARAN, KOCHOLA HOUSE,
VALIYAPADAM, P.O.KALLAI, CALICUT, PIN - 673 003.
7. VENUGOPAL C, S/O.PARANGODAN,
CHOOOTHAPPALLY HOUSE, P.O.CHETTYPADI,
MALAPPURAM, PIN - 676 319.
8. VIJITH, S/O.VIJAYA KRISHNAN, GEETHA NIVAS,
P.O.KODAKKADU, MALAPPURAM, PIN - 676 319.

WP(C).No. 559 of 2015 (T)

9. SHAREENA, D/O.ABDURAHIMAN,
K.P.COMPLEX, KARIMADATHOPPU PARAMBA,
P.O.NALLALAM, CALICUT, PIN - 673 027.
10. PENNUTTY, W/O.CHINNAN,
THEKKENARANGAYIL HOUSE, P.O.FEROKE,
VIA. NALLOOR, CALICUT, PIN - 673 631.
11. DHEERAJ, S/O.BHASKARAN, KARTHIKA HOUSE,
P.O.KODAKKADU, MALAPPURAM, PIN - 676 319.
12. RAJANI, W/O.ASHOK KUMAR,
PARAMBATHU HOUSE, P.O.KODAKKADU,
VALLIKUNNU, MALAPPURAM, PIN - 676 319.
13. SHAFI T.C, S/O.T.C.KAMMU, CHEENAKKODE HOUSE,
P.O.CHALIYAM, KOZHIKODE, PIN - 673 301.
14. SARITHA P.C, D/O.CHANDRAN K.K,
THUNDANPLAVIL HOUSE, P.O.ILAVUMTHITTA,
CHANDANAKUNNU AYATHIL
PATHANAMTHITTA DISTRICT, PIN - 689 625.
15. ANWAR M, S/O.SIDHEEQUE M,
MOOCHIKKAL HOUSE, P.O. B.P.ANGADI,
THIRUR, MALAPPURAM DISTRICT, PIN - 676 102.
16. THOTTUNGAL ABOOBACKER, S/O.HAMSA HAJI,
AGED 36 YEARS, THOTTUNGAL HOUSE, TANALUR,
TIRUR, MALAPPURAM DISTRICT, PIN - 676 307.
17. KINATTU HAMSA HAJI, S/O.ALAVI HAJI,
AGED 54 YEARS, VEEMBUR, NARUKARA,
MANJERI, MALAPPURAM DISTRICT, PIN - 676 121.

R1 BY SENIOR GOVT. PLEADER SMT.SOBHA ANNAMMA EAPEN
R2 BY SRI.M.A.GEORGE, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF SALE AGREEMENT DATED 15.9.2011 EXECUTED BETWEEN PETITIONER'S BROTHER A.T.ALI AND 17TH RESPONDENT.
- P2- TRUE COPY OF SALE AGREEMENT DATED 2.2.2012 EXECUTED BETWEEN 16TH AND 17TH RESPONDENTS.
- P3- TRUE COPY OF DECISION OF REGIONAL TRANSPORT AUTHORITY, MALAPPURAM DATED 23.7.2012.
- P4- TRUE COPY OF THE AFFIDAVIT AND PETITION IN I.A.NO.2087/2014 IN O.P.(MV)NOS.318/2013, 319/2013, 320/2013, 321/2013, 322/2013, 402/2013, 403/2013, 404/2013, 405/2013, 406/2013, 439/2013 AND 441/2013 AND THE SUMMONS ISSUED BY THE MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE.
- P5- TRUE COPY OF COUNTER STATEMENT DATED 5.8.2014 SUBMITTED BY THE PETITIONER IN EXT.P4.
- P6- TRUE COPY OF COMMON AWARD DATED 3.1.2014 IN O.P.(MV)NOS.318/2013, 319/2013, 320/2013, 321/2013, 322/2013, 402/2013, 403/2013, 404/2013, 405/2013, 406/2013, 439/2013 AND 441/2013 PASSED BY MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE.
- P7- TRUE COPY OF I.A.NO.5857/2014 DATED 6.12.2014 FILED BY THE PETITIONER IN O.P.(MV)NOS.318/2013, 319/2013, 320/2013, 321/2013, 322/2013, 402/2013, 403/2013, 404/2013, 405/2013, 406/2013, 439/2013 AND 441/2013 BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE.
- P8- TRUE COPY OF I.A.NO.5858/2014 DATED 6.12.2014 FILED BY THE PETITIONER IN O.P.(MV)NOS.318/2013, 319/2013, 320/2013, 321/2013, 322/2013, 402/2013, 403/2013, 404/2013, 405/2013, 406/2013, 439/2013 AND 441/2013 BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE.
- P9- TRUE COPY OF DEMAND NOTICE DATED 24.11.2014 (TALUK FILE NO.2014/736/10/600) ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 559 of 2015 (T)

.....
Dated this the 8th day of January, 2015

JUDGMENT

The petitioner, who was the registered owner of a stage carriage that was involved in a road traffic accident, is aggrieved by the award passed by the Motor Accident Claims Tribunal, Kozhikode whereby the insurance company was permitted to recover the compensation amounts awarded to the respondents from the petitioner as well. It is the case of the petitioner that, he has filed Exts.P7 and P8 applications before the Motor Accident Claims Tribunal, Kozhikode, for setting aside the ex parte award against him, and that the said applications are pending consideration before the said Tribunal. In the meanwhile, however, Ext.P9 recovery notice has been served upon him for realisation of the amounts due to the insurance company as awarded by the Tribunal.

2. I have heard Sri.K.P.Sudheer, learned counsel appearing for the petitioner, learned Government Pleader appearing for the first respondent and Sri.M.A.George, learned standing counsel appearing for the second respondent. In the nature of the orders that I propose to pass, I do not deem it necessary to issue notice to respondent Nos.3 to 17.

3. On a consideration of the facts and circumstances of the case and also the submissions made across the Bar, I direct that Ext.P9 Revenue Recovery notice shall be kept in abeyance till such time as the Motor Accident Claims Tribunal, Kozhikode, considers and passes orders on Exts.P7 & P8 applications filed by the petitioner for setting aside the ex parte award, and communicates the same to the petitioner.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/08/01/