

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

WP(C).NO. 2840 OF 2015 (D)

PETITIONER(S) :

1. JOBY, AGED 31 YEARS,
S/O.P.A.GEORGE, RESIDING AT PULIKKAL HOUSE,
MALOTH VILLAGE, P.O.DHARKAS, KASARAGOD DISTRICT.
2. JOHNSON GEORGE, AGED 31 YEARS,
S/O.P.A.GEORGE, RESIDING AT PULIKKAL HOUSE,
MALOTH VILLAGE, P.O.DHARKAS, KASARAGOD DISTRICT.

BY ADV. SRI.SURESH KUMAR KODOTH

RESPONDENT(S) :

1. TAHASILDAR,
REVENUE RECOVERY, HOSDURG TALUK, KANHANGAD,
KASARAGOD DISTRICT-671 314.
2. CHINNAMMA, AGED 72 YEARS,
W/O.LATE KURIAKOSE, R/AT NEERATTUPARA, CHULLY P.O,
MALOTH VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT- 671 533.
3. BABU.N.K, AGED 49 YEARS,
S/O.LATE KURIAKOSE, R/AT NEERATTUPARA, CHULLI P.O,
MALOTH VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT- 671 533.
4. MOLLY.N.K, AGED 40 YEARS,
S/O.LATE KURIAKOSE, R/AT PODIPARA, EDATHODE,
P.O.PARAPPA, HOSDURG TALUK, KASARGOD DISTRICT-671 533.
5. MINI@SELIN, AGED 37 YEARS,
D/O.LATE KURIAKOSE, R/AT THAZHAKKAT HOUSE,
NAYIKAYAMTHATTU, BELUR VILLAGE, ATTENGANAM P.O,
HOSDURG TALUK, KASARAGOD DISTRICT-671 531.
6. GRACY, AGED 35 YEARS,
D/O.LATE KURIAKOSE, R/AT NEERATTUPARA, CHULLY P.O,
MALOTH VILLAGE, HOSDURG TALUK,
KASARAGOD DISTRICT-671 533.

WP(C).NO. 2840 OF 2015 (D)

**7. THE MANGER, NATIONAL INSURANCE CO. LTD.,
M.G.ROAD, KASARAGOD, KASARAGOD P.O- 671 121.**

**R1 BY GOVERNMENT PLEADER SMT.SOBHA ANNAMMA EAPEN
R7 BY SRI.M.A.GEORGE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

WP(C).No. 2840 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1:** TRUE COPY OF AWARD DATED 31.08.2013 IN OP(MV)NO.653/2010 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, KASARAGOD.
- EXT P2:** TRUE COPY OF THE NOTICE OF DEMAND DATED 08.10.2014 ISSUED UNDER SECTION 7 OF THE REVENUE RECOVERY ACT.
- EXT P3:** TRUE COPY OF I.A.NO.95/2015 FILED BY PETITIONERS UNDER ORDER IX RULES 13 OF THE CODE OF CIVIL PROCEDURE.
- EXT P4:** TRUE COPY OF THE I.A.NO.94/2015 FILED UNDER SECTION 5 OF THE LIMITATION ACT.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C) No. 2840 of 2015 (D)

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Dated this the 29th day of January, 2015

JUDGMENT

The petitioner, who is faced with revenue recovery steps initiated by the respondents, for recovery of dues pursuant to an award passed by the Motor Accident Claims Tribunal against him, has approached this Court with the present writ petition, seeking a direction to the MACT Kasargod, before whom the petitioner has preferred Exts.P3 and P4 petitions for setting aside the ex parte award, to pass orders in the matter within a stipulated time and to keep revenue recovery proceedings against him, in abeyance till such time as orders are so passed by the Tribunal.

2. I have heard Sri.Suresh Kumar Kodoth, learned counsel for the petitioners and Smt.Sobha Annamma Eappen, learned Government Pleader for the 1st respondent and Sri.M.A.George, learned counsel for the 7th respondent.

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

(i) The MACT, Kasargod shall consider and pass orders on Exts.P3 and P4 petitions filed by the petitioners before it, within a period of

two months from the date of receipt of copy of this judgment, after hearing the petitioners.

(ii) The revenue recovery steps initiated against the petitioners, for realisation of the amounts covered by Ext.P1 award, shall be kept in abeyance, till such time as orders are passed by the MACT, Kasargod, as directed, and communicated to the petitioners.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

AMV/29/01/

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