

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 10TH DAY OF FEBRUARY 2015/21ST MAGHA, 1936

WP(C).No. 4207 of 2015 (A)

PETITIONER:

**K.K.AJAYAKUMAR, AGED 44,
S/O KUMARAN, PERUNCHEERY HOUSE,
NANDICHARUKUNNU, NORTH PARUR,
ERNAKULAM DISTRICT.**

**BY ADVS.SRI.S.RENJITH
SRI.S.UNNIKRISHNAN (NELLAD)**

RESPONDENT(S):

- 1. THE TAHSILDAR, REVENUE RECOVERY,
TALUK OFFICE, KANAYANNUR - 682 001.**
- 2. THE VILLAGE OFFICER, KAKKANAD VILLAGE,
KANAYANNUR THALUK, KAKKAND,
ERNAKULAM - 682 030.**
- 3. ORIENTAL INSURANCE COMPANY,
DIVISIONAL OFFICE NO. 1, JOSE BUILDINGS,
M.G. ROAD, COCHIN - 682 011.**

**R1 & R2 BY GOVT. PLEADER SRI.SHYSON P.MANGUZHA
R3 BY SMT.K.S.SANTHI, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 4207 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT.P1: COPY OF THE AWARD DATED 12.4.2004 IN OP(MV) NO.1314 OF 1995 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL IRINJALAKUDA.

EXT.P2: COPY OF THE REVENUE RECOVERY NOTICE DATED 2.12.2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P3: COPY OF DISMISSAL ORDER IN 3.4.2009 IN UNNUMBERED MACA OF THIS HON'BLE COURT.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.4207 of 2015

.....
Dated this the 10th day of February, 2015

JUDGMENT

The petitioner, who was the 2nd respondent in O.P.M.V.No1314 of 1995 before the Motor Accidents Claims Tribunal, Irinjalakuda, is aggrieved by revenue recovery proceedings that have been initiated against him for recovery of the amounts that were confirmed against him by the award of the said Tribunal. It is the case of the petitioner that, against the award he had preferred an appeal before this Court which came to be dismissed by Ext.P3 judgment after taking note of the fact that there was no representation for the appellant in the appeal, and also that no deposit had been made pursuant to a direction issued from this Court to deposit the amounts before the Motor Accidents Claims Tribunal. Ext.P3 judgment is dated 03.04.2009 and, in the present writ petition, the prayer of the petitioner is for keeping the revenue recovery steps in abeyance till such time as a restoration petition against the dismissal of the M.A.C.A vide Ext.P3 judgment is considered by this Court.

2. I have heard S.Renjith, the learned counsel for the petitioner and Smt.K.S.Santhi, the learned Standing counsel for the 3rd respondent and Sri.Shyson P.Manguzha, the learned Government Pleader for respondents 1 and 2.

3. On a consideration of the facts and circumstances of the case as also the submissions made across the bar, I am not inclined to keep the revenue recovery proceedings in abeyance, till such time as the petitioner decides to take appropriate action against Ext.P3 judgment of this Court. I take note, however, of the plea of financial hardship urged on behalf of the petitioner, for the purposes of granting instalments for discharging his liability in respect of the award passed by the Motor Accidents Claims Tribunal. Accordingly, I direct that if the petitioner remits the entire amount due as per Ext.P2 notice namely Rs.2,66,926/- together with accrued interest and collection charges, in six equal successive monthly instalments commencing from 01.03.2015, then further proceedings pursuant to Ext.P2 notice shall be kept in abeyance.

ii. It is made clear that if the petitioner commits a default in respect of any of the instalments, he will lose the benefit of this judgment and the 2nd respondent will be free to continue the recovery proceedings against him from the stage at which they currently stand.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/

