

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

THURSDAY, THE 5TH DAY OF MARCH 2015/14TH PHALGUNA, 1936

WP(C).No. 4945 of 2015 (P)

PETITIONER:

**JOY M.P., S/O.PAILY, AGED 51 YEARS,
MADAVAN HOUSE, CANAL ROAD,
BRAHMAPURAM P.O., AMBALAMUGAL DESOM,
PUTHENKURIZHU VILLAGE.**

**BY ADVS.SRI.P.M.JOSHI
SMT.SIJI K.PAUL**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
KOZHIKODE DISTRICT, KOZHIKODE-1.**
- 2. T.P. VIJAYA BHASKAR, S/O.NOT KNOWN,
MANOLOKAM GROUP PUBLISHING PVT. LTD.,
KMA BUILDING, PUTHIYA ROAD,
KOZHIKODE DISTRICT.**

**R1 BY GOVERNMENT PLEADER SRI.SUDHEESH KUMAR
R2 BY ADV. SMT.P.P.BLESSY MOL**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 4945 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXHIBIT-P1- THE TRUE COPY OF THE E.P 617/2009 DATED 14/11/2009 OF MACT,
ERNAKULAM.**

**EXHIBIT-P2- THE TRUE COPY OF THE REQUISITION FOR RECOVERY
DATED 19/04/2010 ISSUED FROM MACT, ERNAKULAM TO THE
IST RESPONDENT.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY

P.S. TO JUDGE

mbr/

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.4945 of 2015
.....

Dated this the 5th day of March, 2015

J U D G M E N T

The petitioner who was the claimant in a claim petition, O.P. (MV) No.1511 of 2005, before the Motor Accidents Claims Tribunal, Ernakulam, was awarded a compensation amount of Rs.2,44,376/- by the said Tribunal, by award dated 06.07.2009. In the writ petition, the grievance of the petitioner is that, notwithstanding that the MACT, Ernakulam had issued a requisition dated 19.04.2010 to the 1st respondent, to realise the amounts due to the petitioner, there was no action forthcoming from the 1st respondent . It is therefore, that the writ petition was filed seeking a direction to the 1st respondent to take steps to realize the amounts from the 2nd respondent, against whom the award of the Motor Accidents Claims Tribunal was passed.

2. I have heard Sri.P.M.Joshi, the learned counsel for the petitioner and Smt.P.P.Blessy Mol, for the 2nd respondent and Sri.Sudheesh Kumar, the learned Government Pleader for 1st respondent.

3. On a consideration of the facts and circumstances of the case, and also the submissions made across the bar, I take note of the submission of the learned Government Pleader that the steps

are being taken by the 1st respondent for the purposes of realising the amounts due to the petitioner in terms of the award of the MACT, Ernakulam. I, however, also take note of the submission of the learned counsel for the 2nd respondent that he is ready to settle the dues to the petitioner in two equal successive monthly instalments. Taking note of the said submission, I dispose the writ petition with the following directions:

i. The total amount due to the petitioner, pursuant to the award passed in his favour by the Motor Accidents Claims Tribunal, Ernakulam, is stated to be Rs.2,44,376/- together with interest at the rate of 7% from 06.07.2009 till date. Accordingly, the 2nd respondent is directed to pay the said amount to the petitioner in two equal successive monthly instalments, commencing from 30.03.2015. The 1st respondent shall monitor the payment, by the 2nd respondent, of the amounts as directed in this judgment.

ii. I make it clear that if the 2nd respondent commits a default in any one instalment, the 1st respondent shall take immediate steps to recover the amounts from the 2nd respondent through initiation of revenue recovery proceedings.

A.K.JAYASANKARAN NAMBIAR
JUDGE

