

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C).No. 5857 of 2015 (F)

PETITIONER :

- 1. JIJO P.T., AGED 37 YEARS,
S/O PATHROSE, POOKKOTTIL HOUSE,
PERUMPADAVAM KARA & POST, ELANJI VILLAGE,
MUVATTUPUZHA TALUK.**
- 2. MAMAN ALIAS PATHROSE,
S/O THOMMAN, POOKKOTTIL HOUSE,
PERUMPADAVAM KARA & POST, ELANJI VILLAGE,
MUVATTUPUZHA TALUK.**

**BY ADVS.SRI.MATHEW JOHN (K)
SRI.DOMSON J.VATTAKUZH**

RESPONDENTS :

- 1. THAMPI VARGHESE, S/O VARGHESE,
POOKUNNEL HOSUE, POERUMPADAVAM KARA,
ANTHIYAL BHAGAM-686665.**
- 2. THE ORIENTAL INSURANCE CO. LTD.,
MUVATTUPUZHA BRANCH
REPRESENTED BY ITS BRANCH MANAGER,
MUVATTUPUZHA-686661.**
- 3. THE DEPUTY TAHSILDAR
(R.R) MUVATTUPUZHA-686661.**

**BY SMT.K.S.SANTHI
R3 BY GOVERNMENT PLEADER SRI. SUDHEESH KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

WP(C).No. 5857 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE DEMAND NOTICE DATED 9.1.2015 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER DEMANDING AN AMOUNT OF RS.7,10,513/-

EXHIBIT P1(A): A TRUE COPY OF THE DEMAND NOTICE DATED 27.1.2015 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER DEMANDING AN AMOUNT OF RS.7,10,513/-.

EXHIBIT P2: A TRUE COPY OF THE AFFIDAVIT AND PETITION SEEKING TO SET ASIDE THE EX-PARTE AWARD DATED 21.2.2014.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.5857 of 2015

.....
Dated this the 24th day of February, 2015

J U D G M E N T

The petitioners who are faced with revenue recovery proceedings for realisation of amounts confirmed against them by an award passed by the Motor Accidents Claims Tribunal, Muvattupuzha, have approached this Court seeking a direction to the Motor Accidents Claims Tribunal, Muvattupuzha, to consider and pass orders on Ext.P2 application that have been filed by them for setting aside ex parte award passed against them. It is their further prayer that till such time as orders are passed by the Motor Accidents Claims Tribunal, Muvattupuzha, on Ext.P2 application, the recovery proceedings initiated against them may be kept in abeyance.

2. I have heard Sri.Mathew John, the learned counsel for the petitioners and Sri.Sri K.S.Santhi, the learned counsel for the 2nd respondent and Sri.Sudheesh Kumar, the learned Government Pleader for the 3rd 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 a direction to the Motor Accidents Claims

Tribunal, Muvattupuzha, to consider and pass orders on Ext.P2 application filed by the petitioners, for setting aside the ex parte award passed against them, within a period of two months from the date of receipt of a copy of this judgment after hearing the petitioners.

It is made clear that till such time as Motor Accidents Claims Tribunal, Muvattupuzha, passes orders as directed above and communicates the same to the petitioners, recovery steps pursuant to Ext.P1 and P1(a) shall be kept in abeyance.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

