

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 5992 of 2015 (Y)

PETITIONER(S):

**ANISH, AGED 33 YEARS,
S/O ANIRUDHAN, ANISH BHAVANAM, NADUVILEMURI,
PADANILAM P.O., NOORANADU VILLAGE, MAVELIKKARA TALUK,
ALAPPUZHA DISTRICT.**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENT(S):

- 1. NATIONAL INSURANCE CO. LTD.,
3RD PARTY CELL, AJAY VIHAR, M.G.ROAD,
KOCHI - 682 016, REPRESENTED BY ITS MANAGER.**
- 2. THE VILLAGE OFFICER,
NOORANAD VILLAGE, MAVELIKKIARA TALUK,
ALAPPUZHA DISTRICT - 690 529.**
- 3. THE DEPUTY TAHASILDAR (R.R),
TALUK OFFICE, MAVELIKKARA,
ALAPPUZHA DISTRICT - 690 529.**
- 4. THE DISTRICT COLLECTOR,
ALAPPUZHA DISTRICT, PIN : 690 529.**

R1 BY SRI.M.A.GEORGE

R2 TO R4 BY GOVERNMENT PLEADER SRI.SUDHEESH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 5992 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE JUDGMENT AND AWARD PASSED BY THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, ERNAKULAM IN O.P.(M.V.) NO.984/2010 DATED 1.4.2013.

EXHIBIT P2: TRUE COPY OF THE DEMAND NOTICE ALONG WITH DEMAND PRIOR TO ATTACHMENT OF LAND ISSUED BY THE THIRD RESPONDENT THROUGH SECOND RESPONDENT DATED 26.12.2014.

EXHIBIT P3: TRUE COPY OF REPRESENTATION DATED 11.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE THIRD RESPONDEDNT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO.5992 OF 2015 (Y)

Dated this the 25th day of February, 2015

J U D G M E N T

The petitioner, who is faced with revenue recovery proceedings for recovery of amounts that were confirmed against him by the award of the Motor Accidents Claims Tribunal, Ernakulam, in O.P. (M.V)No.984/2010, seeks a grant of installment facility to discharge the liability due from him.

2. I have heard Sri.P.M.Ziraj, the learned counsel appearing on behalf of the petitioner as also Sri.M.A.George, the learned Standing counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar and in particular the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

- (i) The total amount outstanding from the petitioner, is stated to be Rs.78,368/- together with interest and other charges. Accordingly, if the

petitioner remits the aforesaid amount together with interest in ten equal and successive monthly installments commencing from 10.3.2015, then the recovery steps initiated against him by the respondents shall be kept in abeyance.

(ii) It is made clear that if the petitioner commits a default in respect of any of the installments, he will lose the benefit of this judgment and the respondents will be free to continue the recovery proceedings against him from the stage at which they presently stand

A.K.JAYASANKARAN NAMBIAR
JUDGE

prp