

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No. 6367 of 2015 (U)

PETITIONERS:

1. **PRASHANTH AGED 28 YEARS
THAYYIL HOUSE, VASUPURAM, MATTATHUR VILLAGE
P.O. MATTATHURKUNNU, TRICHUR - 680 684.**
2. **NISHAD, AGED 34 YEARS, S/O. KHADIRSHA,
KALLUPARAMBIL HOUSE, NELLAYI, CHONKULAM DESOM,
P.O. NELLAYI, TRICHUR 680 305.**

BY ADV. SRI.VINAY RAMDAS

RESPONDENTS:

1. **DEPUTY TAHASILDAR, REVENUE RECOVERY, TRICHUR 680 003**
2. **VILLAGE OFFICER, NELLAYI VILLAGE, MUKUNDAPURAM THALUK,
TRICHUR, P.O. NELLAYI 680 305**
3. **UNITED INDIA INSURANCE COMPANY, 1ST FLOOR SREEKUMAR BUILDING,
CHALAKUDY, TRICHUR 680 307**

**R1 & R2 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA
R3 BY SRI.P.K.MANOJKUMAR,SC,UNITED INDIA INSU**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER EXHIBITS

- EXHIBIT P1 : NOTICE IN FORM 10 UNDER SECTION 34 OF THE REVENUE RECOVERY ACT A DEMAND PRIOR TO ATTACHMENT OF LAND DEMANDING TO PAY RS.78,210/- AS ARREARS OF ACCIDENT AWARD CLAIM.**
- EXHIBIT P2 : DEMAND NOTICE UNDER SECTION 7 OF THE REVENUE RECOVERY ACT AUTHORIZING THE VILLAGE OFFICER TO DISTRAIN THE MOVEABLE PROPERTY BELONGING TO THE PETITIONERS**

RESPONDENTS EXHIBITS

NIL

//TRUE COPY//

P.A. TO JUDGE

JJJ

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C).NO. 6367 OF 2015 (U)

Dated this the 27th day of February, 2015

J U D G M E N T

The petitioners in the writ petition are persons who are facing revenue recovery action for recovery of an amount of Rs.78,210/-, which was awarded against the late father of the 1st petitioner in M.V.O.P.No.811/2008 before the Motor Vehicles Tribunal, Irinjalakuda. The limited prayer of the petitioner in the writ petition is for the grant of installments to permit them to discharge the liability to the respondent.

2. Heard Sri.Vinay Ramdas, the learned senior counsel appearing for the petitioner, Sri.Shyson P. Manguzha, the learned Government Pleader appearing for the respondents and Sri. P.K. Manoj Kumar, the learned standing counsel for the 3rd respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit him to remit the amounts outstanding to the respondents in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition

with the following directions:-

(i) The total amount due from the petitioners is stated to be Rs.78,210/- together with accrued interest and other charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.78,210/- together with accrued interest and other charges in five equal and successive monthly installments commencing from 20.3.2015, then the recovery steps initiated against him by the respondents shall be kept in abeyance.

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

**Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE**