

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9560 of 2015 (T)

PETITIONER(S):

**A K ASHRAF, AGED 52 YEARS, S/O.KUNJUMHAMMED,
ALANGARATHPARAMBIL HOUSE, PUTHENCHIRA VILLAGE,
MANIYAMKAVU DESOM, PUTHENCHIRA SOUTH P.O,
THRISSUR DISTRICT, REP.BY HIS POWER OF ATTORNEY HOLDER
NAZEER, AGED 50 YEARS, S/O.HAMZA, PANDIKASALA HOUSE,
PAREMKAD DESOM, PUTHENCHIRA VILLAGE, THRISSUR DISTRICT.**

BY ADV. SRI.P.K.SAJEEV

RESPONDENT(S):

- 1. THE DEPUTY TAHSILDAR (RR),
MUKUNDAPURAM TALUK OFFICE,
IRINJALAKUDA NORTH P.O.-680125.**
- 2. THE VILLAGE OFFICER, PUTHENCROUZ VILLAGE OFFICE,
PUTHENCHIRA-680682, THRISSUR DISTRICT.**
- 3. BEENA, W/O.SURENDRANATH,
THALAVALAPPIL HOUSE, PAPPINIVATTOM VILLAGE,
KODUNGALLUR TALUK-680685.**

R1 & 2 BY GOVERNMENT PLEADER SRI.SHYSON P.MANGUZHA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE DEMAND NOTICE UNDER SECTION 7 DATED 20/11/14 ISSUED BY THE R1 TO THE PETITIONER**
- P2: COPY OF THE DEMAND NOTICE UNDER SECTION 34 DATED 20/11/14 ISSUED BY THE R1 TO THE PETITIONER**
- P3: COPY OF THE AWARD DATED 7/10/2009 IN OPMV.633/06 ON THE FILED OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA**
- P4: COPY OF THE APPLICATION IN IA.828/15 IN OPMV.633/06 ON THE FILES OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA**
- P5: COPY OF THE APPLICATION IN IA.829/15 IN OPMV.631/06 ON THE FILES OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA**
- P6: COPY OF THE DRIVING LICENCE NO.45/671/1983 OF THE PETITIONER**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.9560 of 2015

.....
Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner who is faced with revenue recovery proceedings, for recovery of amounts confirmed against him by an award of the Motor Accidents Claims Tribunal, seeks an instalment facility to discharge the liability to the respondents. The facts in the writ petition would disclose that the petitioner has approached the Motor Accidents Claims Tribunal, Irinjalakkuda, with a petition for setting aside the ex-parte award that was passed against him, and the said application is pending consideration before the said forum.

2. I have heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 and 2.

On a consideration of the facts and circumstances of the case as also the submissions made across the bar, and taking note of the plea of financial hardship urged on behalf of the petitioner, I dispose the writ petition with the following directions:

- (i) If the petitioner pays an amount of Rs.47,915/-, together with accrued interest,

that is demanded from him by Exts.P1 and P2 notices, in four equal successive monthly instalments commencing from 31.03.2015, then further proceedings pursuant to Ext.P1 and P2 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 1st respondent will be free to continue the recovery proceedings against him from the stage at which they presently stand.

(iii) I make it clear that in respect of the amounts paid by the petitioner pursuant to this judgment, if the petitioner obtains a favourable order from the Motor Accidents Claims Tribunal, Irinjalakkuda, pursuant to the application for setting aside the ex-parte award filed by him before that forum., he will be free to proceed against the Insurance Company for reimbursement of the said amount, if he is found to be so entitled as per the terms of the contract between him and the Insurance Company.

A.K.JAYASANKARAN NAMBIAR
JUDGE

