

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 25TH DAY OF MAY 2015/4TH JYASHTA, 1937

WP(C).No. 15175 of 2015 (V)

PETITIONER:

**MANOHARA SHENOI,
S/O.LATE LEKSHMANA SHENOY, AGED 60 YEARS,
GANESH KARTHIK, KIZHUVILOM.P.O, NEAR GANGA HOTEL,
ATTINGAL, THIRUVANANTHAPURAM.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G**

RESPONDENTS:

- 1. STATE OF KERALA,
REPRESENTED BY REVENUE SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM, PIN-695 001.**
- 2. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM, PIN-695 001.**
- 3. DEPUTY TAHSILDAR (REVENUE RECOVERY), TALUK OFFICE,
CHIRAYINKEEZHU, THIRUVANANTHAPURAM, PIN-695 304.**
- 4. VILLAGE OFFICER,
ATTINGAL VILLAGE, THIRUVANANTHAPURAM DISTRICT,
PIN-695 101.**
- 5. BRANCH MANAGER,
UNITED INDIA INSURANCE COMPANY LTD, ATTINGAL,
THIRUVANANTHAPURAM DISTRICT, PIN-695 101.**

**R1 TO R4 BY SR GOVERNMENT PLEADER SMT. SOBHA ANNAMMA EAPEN
R5 BY SRI.P.K.MANOJKUMAR,SC,UNITED INDIA INSURANCE**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-05-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 15175 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE DRIVING LICENSE NO.16/223/2002 DATED
17/10/2011 OF GANESH PRASAD**
- EXT.P2 TRUE COPY OF NOTICE DATED 11-5-2015 ISSUED BY 3RD
RESPONDENT**
- EXT.P3 TRUE COPY OF NOTICE DATED 11-5-2015 ISSUED BY 3RD
RESPONDENT**
- EXT.P4 TRUE COPY OF JUDGMENT/AWARD IN O.P(MV)1371/2006
DATED 7-12-2011 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL
ALAPPUZHA**
- EXT.P5 TRUE COPY OF PETITION DATED 25-1-2015.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15175 of 2015

Dated this the 25th day of May, 2015

JUDGMENT

The petitioner has filed an application as I.A.No.2275/2015 to set aside an *ex parte* award passed by the Motor Accident Claims Tribunal, Alappuzha. The petitioner has produced the affidavit filed in support of the application before this Court as per Ext.P5. In the meanwhile, Revenue Recovery Proceedings have been initiated against the petitioner to recover the amount awarded by the Tribunal. The petitioner seeks setting aside of the Revenue Recovery Proceedings.

2. Learned Standing Counsel for the Insurance Company points out that there is likely to be a delay in filing this application.

In view of the pendency of the application for setting aside of the award, delay application, if any, filed along with that application shall be considered by the Tribunal after issuing notice to all parties within two months. Till a decision is taken on the above applications, all recovery proceedings initiated against the petitioner shall be kept in abeyance.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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