

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

WP(C).No. 15991 of 2015 (Y)

PETITIONER(S):

**NIJESH P.K., AGED 31 YEARS,
S/O.KUNJAPPAN, 7/96(1/60), PANDANAD,
BLAYIKADAVU ROAD, CHERANALLOOR P.O., COCHIN - 682 034.**

**BY ADVS.SRI.SHYAMDEEP S.SHENOY
SRI.S.NIKHIL SANKAR
SRI.T.PMOHAN RAJ
SRI.NIKHIL BERNY
SMT.C.S.GEETHU**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM - 695 036.**
- 2. DEPUTY THAHSILDAR (RR),
KANAYANOR TALUK, ERNAKULAM, KOCHI - 682 030.**
- 3. NATIONAL INSURANCE COMPANY LTD.,
REPRESENTED BY ITS BRANCH MANAGER, PALA,
PIN - 686 875.**
- 4. BAJAJ AUTO FINANCE LTD.,
REPRESENTED BY ITS BRANCH MANAGER, 4TH FLOOR,
MANJOORAN ESTATE, CHERANALLOOR ROAD, BYPASS JUNCTION,
EDAPPALLY, COCHIN - 682 024.**
- 5. RANI JOY,
CHITHRAKUNNEL HOUSE, MALLIKASSERY P.O.,
VILAKKUMADAM - 686 575.**
- 6. JAISON DAVID ALIAS BIJU,
S/O.DAVID, MUNDAPLAKKAL (H), ADUKKAM P.O.,
TEEKROY - 686 580.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.R.RANJITH
R3 BY ADV. SRI.M.A.GEORGE, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 15991 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1. TRUE COPY OF DEMAND NOTICE BEARING TALUK FILE NO.2015/12/7/802
ISSUED BY THE RESPONDENT NO.1 DATED 22.05.2015.**

**EXHIBIT P2. TRUE COPY OF REGISTRATION CERTIFICATE ISSUED BY THE
REGISTERING AUTHORITY, ERNAKULAM.**

**EXHIBIT P3. TRUE COPY OF THE INSURANCE POLICY BEARING
NO.570600/31/6700000517.**

**EXHIBIT P4. THE TRUE COPY OF THE AWARD IN O.P.(M.V)NO.211 OF 2012 BEFORE
THE MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA.**

**EXHIBIT P5. TRUE COPY OF THE NOTICE EVIDENCING THE SEIZURE OF THE
VEHICLE BY RESPONDENT NO.4.**

**EXHIBIT P6. TRUE COPY OF REPRESENTATION/OBJECTION FILED BEFORE THE 2ND
RESPONDENT DATED 27.05.2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msv/

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.15991 of 2015

Dated this the 29th day of May, 2015

J U D G M E N T

The petitioner has filed this writ petition aggrieved by Ext.P1 revenue recovery proceedings pursuant to Ext.P4 award passed by the Motor Accidents Claims Tribunal, Pala in O.P.(M.V.)No.211/2012.

2. The petitioner's case is that, he is not liable for any claims regarding the vehicle as he has transferred the same and he was not the owner at the time of accident. It appears that, the petitioner was set *ex-parte* in the proceedings.

3. Since revenue recovery proceedings are initiated pursuant to an award, it cannot be interfered. The petitioner's appropriate remedy is to file an appeal against the award or resort to such other measures available under law.

In that view of the matter, with liberty to the petitioner to seek redressal in appropriate proceedings, this writ petition is disposed of. However, in order to keep right of the petitioner intact, revenue recovery proceedings against the petitioner shall be deferred for a period of three months from today.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE.