

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 19328 of 2014 (M)

PETITIONER:

**SMT. GIRIJA VYRELLIL AGED 64 YEARS
W/O. RAVINDRANATHAN, VYSAKH, 77/24
VYRELLIL NAGAR, MARKET ROAD, THRIPIUNITHURA
ERNAKULAM DISTRICT-682 031.**

**BY ADVS.SRI.C.S.AJITH PRAKASH
SRI.PAUL C THOMAS**

RESPONDENT(S):

- 1. THE REGIONAL TRANSPORT OFFICER (RTO)
OFFICE OF THE RTO, CIVIL STATION, KAKKANAD
ERNAKULAM 682 030.**
- 2. THE ADDITIONAL REGISTERING AUTHORITY
SUB REGIONAL TRANSPORT OFFICE, THRIPIUNITHURA 682 301.**
- 3. KAVITHA JAYAMOHAN, AGED 30 YEARS
W/O. JAYAMOHAN, FLAT NO.1861, SECTOR 37
ARUN VIHAR, GAUTHAMBUDH NAGAR, NOIDA
PIN-201 301.**

**R1,R2 BY GOVERNMENT PLEADER SRI. R. RENJITH
R3 BY ADVS. SRI.K.N.CHANDRABABU
SRI.S.GANESH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE CERTIFICATE OF DEATH DTD.15.11.2013 ISSUED BY REGISTRAR, WARRINGTON DISTRICT, UK.

P2 : COPY OF THE AGREEMENT SCHEDULE DTD.4.6.2010.

P3 : COPY OF THE NOTICE OF TERMINATION DTD.13.3.2014 ISSUED IN FORM 35 UNDER RULE 61(1) OF THE KERALA MOTOR RULES.

P4 : COPY OF THE LEGAL HEIRSHIP CERTIFICATE ISSUED BY THE TAHSILDAR KANAYANNOOR, DTD.24.4.2014.

P5 : COPY OF THE LETTER SUBMITTED BY THE PETITIONER DTD.29.11.2013 TO THE 2ND RESPONDENT.

P6 : COPY OF THE APPLICATION DTD.30.4.2014 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

P7 : COPY OF THE INSURANCE POLICY DOCUMENT DTD.21.5.2014 ISSUED IN THE NAME OF THE PETITIONER BY THE UNITED INDIA INSURANCE COMPANY LTD.

P8 : COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DATED NIL.

P9 : COPY OF THE COMPROMISE PETITION DATED 8.1.2015 FILED BEFORE THE SUB COURT, ERNAKULAM IN S.O.P. NO.5/14 SIGNED BY THE LEGAL HEIRS.

P10 : COPY OF THE NOTARIZED AFFIDAVIT OF SMT. KAVITHA JAYAMOHAN EXECUTED ON 8.1.2015.

RESPONDENTS' EXHIBITS

NIL

//True copy//

P.A. TO JUDGE

Shg/

K. VINOD CHANDRAN, J.

W.P.(C) No.19328 of 2014

Dated this the 28th day of January, 2015

JUDGMENT

The petitioner was before this Court seeking transfer of registration of a vehicle having registration No.KL-39 B/9258, which earlier stood in the name of the petitioner's son, who is no more.

2. The application filed by the petitioner for transfer of registration was objected to by the 3rd respondent – the daughter- in-law of the petitioner. For reason of such objection having been raised, the Joint Regional Transport Officer had rejected the petitioner's application by Ext.P8. Subsequently, the matter has been settled between the petitioner and the 3rd respondent, whose Counsel too, I have heard today. Ext.P9 is the compromise petition filed before the Additional Sub-Court in the Succession Original Petition filed by the petitioner which takes in the issue of the aforesaid vehicle also. A separate affidavit at Ext.P10 has also been executed by the 3rd respondent agreeing to the transfer in the name of the petitioner.

In such circumstance, Ext.P8 would stand set aside for fresh consideration of the application of the petitioner. The petitioner shall file a notarised copy of Ext.P10, in which event, the matter will be considered afresh. The application shall be considered on the basis of Ext.P10 consent granted by the 3rd respondent and registration shall be transferred within a period of three weeks from the date of production of a certified copy of this judgment.

JV

Sd/-
K. VINOD CHANDRAN,
JUDGE