

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937**

**WP(C).No. 22118 of 2015 (L)**

**OPMV.1175/1997 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, PATHANAMTHITTA.**

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**PETITIONER(S):**

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**GEORGE, AGED 70 YEARS,  
S/O.DANIEL, R/AT MANJEERIL VEEDU,  
MUDIYOOR KONAM P.O., PANDALAM VILLAGE,  
ADOOR TALUK, PIN -689 501.**

**BY ADVS.SMT.T.S.MAYA (THIYADIL),  
SRI.P.Y.AHAMMED PHYSI.**

**RESPONDENT(S):**

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- 1. TAHSILDAR, REVENUE RECOVERY (RR),  
ADOOR, PIN- 681 523.**
- 2. VILLAGE OFFICER,  
PANDALAM THEKKEKKARA VILLAGE,  
KURAMPALA, ADOOR TALUK, PIN- 681 523.**
- 3. THE BRANCH MANAGER,  
ORIENTAL INSURANCE COMPANY LIMITED,  
RAMAKRISHNA BUILDING, ARISTO,  
THIRUVANANTHAPURAM, REPRESENTED BY  
DIVISIONAL MANAGER, DIVISIONAL OFFICE,  
THIRUVALLA.**

**R1 & R2 BY GOVT. PLEADER SMT.M.T. SHEEBA.  
R3 BY ADV. SMT.K.S.SANTHI.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

WP(C).No. 22118 of 2015 (L)

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- P1: COPY OF THE RECOVERY NOTICE DATED 24.07.2014.
- P2: COPY OF THE AWARD IN OP(MV) 1175/1997 OF MACT, PATHANAMTHITTA.
- P3: COPY OF IA.1699/2015 FILED BY PETITIONER IN OP(MV)1175/1997 TO SET ASIDE THE EXT P2 EXPARTE AWARD.
- P4: COPY OF IA.1708/2015 FILED BY PETITIONER IN EP.NO.78/2008 IN OP(MV)1175/1997 TO STAY EXT P2 AWARD.

**RESPONDENT'S EXHIBITS:-** NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

**A.MUHAMED MUSTAQUE, J.**

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**W.P.(C) No. 22118 of 2015**

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**Dated this the 22<sup>nd</sup> day of July, 2015**

**JUDGMENT**

The petitioner has approached this Court impugning revenue recovery proceedings initiated to recover the amount from him pursuant to the Motor Accident Claims Tribunal award. The petitioner submits that he has already moved an application for setting aside the award before the Motor Accident Claims Tribunal, Pathanamthitta vide I.A.No.1699/2015 in O.P.(MV) No.1175/1997.

In that view of the matter, this writ petition is disposed of with the following directions:

- i. The Motor Accident Claims Tribunal, Pathanamthitta is directed to consider I.A.No.1699/2015 within a period of two months after issuing notice to the petitioner and all the parties therein.
- ii. To work out the petitioner's reliefs as above, the Revenue Recovery proceedings shall be deferred for a period of three months.

Sd/-

**A.MUHAMED MUSTAQUE, JUDGE**

In