

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 2ND DAY OF NOVEMBER 2015/11TH KARTHIKA, 1937

WP(C).No. 24163 of 2014 (U)

AGAINST THE ORDER/JUDGMENT IN MVARP 124/2013 of
S.T.A.TRIBUNAL,ERNAKULAM DATED 17.7.2014.

PETITIONER(S) :

R.THULASEEDHARAN PILLAI,
S/O.LATE DEVAKI, THULASI MANDIRAM, AYANTHI
CHERUNNIYUR, MELEVETTOOR, THIRUVANANTHAPURAM DISTRICT
PIN-695101.

BY ADV. SRI.O.D.SIVADAS

RESPONDENT(S) :

1. P.PRASANATHA,
W/O.LATE SUGATHAN, POYKAVILA VEEDU, SREENARAYANAPURAM
VADASSERIKONAM P.O., OTTOOR VILLAGE
CHIRAYINKEEZH TALUK, THIRUVANANTHAPURAM DISTRICT
PIN-695143.
2. JEEJOMON,
S/O.LATE SUGATHAN, POYKAVILA VEEDU, SREENARAYANAPURAM
VADASSERIKONAM P.O., OTTOOR VILLAGE
CHIRAYINKEEZH TALUK, THIRUVANANTHAPURAM DISTRICT
PIN-695143.
3. S.SILAJA,
W/O.LATE JALATHAKUMAR, PARANKIMAVILA VEEDU, KARATHALA
PALACHIRA P.O., CHERUNNIYUR VILLAGE
CHIRAYINKEEZH TALUK, PIN-695101.
4. J.S.SHINU,
S/O.LATE JALATHAKUMAR, PARANKIMAVILA VEEDU, KARATHALA
PALACHIRA P.O., CHERUNNIYUR VILLAGE
CHIRAYINKEEZH TALUK, PIN-695101.
5. J.S.SHINI,
D/O.LATE JALATHAKUMAR, PARANKIMAVILA VEEDU, KARATHALA
PALACHIRA P.O., CHERUNNIYUR VILLAGE
CHIRAYINKEEZH TALUK, PIN-695101.
6. K.PRASANNA KUMAR,
S/O.LATE DEVAKI, JANSI MANDIRAM, AYANTHI
CHERUNNIYUR, MELEVETTOOR, THIRUVANANTHAPURAM DISTRICT
PIN-695101.
7. THE REGIONAL TRANSPORT AUTHORITY,
THIRUVANANTHAPURAM (RURAL) AT ATTINGAL REPRESENTED
BY ITS SECRETARY-695 142

8. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY
THIRUVANANTHAPURAM (RURAL) AT ATTINGAL-695142.

R1-R6 BY ADV. SRI.VADAKARA V.V.N.MENON
R7,R8 BY ADV.ANITHA RAVINDRAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02-
11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1: COPY OF THE COMPROMISE DATED 25/1/2011.
P2: COPY OF THE PLAINT IN O.S.311/2011 ON THE FILE OF MUNSIFF'S COURT, VARKALA.
P3: COPY OF THE PLAINT IN O.S.315/2011 ON THE FILE OF MUNSIFF'S COURT, VARKALA.
P4: COPY OF THE POWER OF ATTORNEY EXECUTED IN FAVOUR OF THE PETITIONER.
P5: COPY OF MC.NO.346 OF 2011 FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, VARKALA.
P6: COPY OF THE AFFIDAVIT AND PETITION FILED BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, VARKALA.
P7: COPY OF THE PROCEEDINGS OF THE 7TH RESPONDENT DATED 2/2/2012.
P8: COPY OF THE JUDGMENT IN WPC 11985/12 DATED 12/06/2012 PASSED BY THIS HON'BLE COURT.
P9: COPY OF THE HEARING NOTICE DATED 12/09/2012.
P10: COPY OF THE PROCEEDINGS DT.8.11.2012.
P11: COPY OF THE JUDGMENT IN WPC 6421/13 DATED 7/3/2013 PASSED BY THIS HON'BLE COURT.
P12: COPY OF THE MVARP NO.124 OF 2014 FILED BEFORE THE STATE TRANSPORT APPELLATE TRIBUNAL.
P13: COPY OF THE COUNTER AFFIDAVIT DATED 1/7/2014.
P14: COPY OF THE ORDER OF THE STAT IN MVARP NO.124 OF 2014 DATED 17/07/2014.

RESPONDENT(S) ' EXHIBITS

-----NIL

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 24163 OF 2014

Dated this the 2nd day of November, 2015

JUDGMENT

Ext.P14 order of the State Transport Appellate Tribunal merely remits the consideration of an application for transfer of permit by the Regional Transport Authority. The petitioner who is one of the legal heirs of the deceased transferor contends that his predecessor in interest had not really subscribed her signature.

2. Interest of justice would be met by clarifying that any consequential order passed by the Regional transport Authority would be provisional and subject to the final verdict in the civil suit pending between parties. The successful litigants in the civil cases can even claim damages on account of generation of income by virtue of the permit dependent on the verdict of the civil court.

3. The Regional Transport Authority shall take the proceedings to a logical end after notice to the petitioner and other legal heirs of the transferor as well as the transferee (petitioner) within a period of two months from the date of

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receipt of a copy of this judgment. The respondents 1 to 6 are also at liberty to seek for advancing hearing of the Interlocutory Applications and the suits which shall be dealt with in expedition.

The writ petition is disposed of as above.

V.CHITAMBARESH, JUDGE

sks